

docs,pa PY P397/3.1 1924 pt. 2.
Report of the commissioners ap



0 0001 00197799 8

PYP397/3.1

1924

pt.2

PY P397/3.1

1924

pt. 2

CLASS

BOOK

VOLUME



PENNSYLVANIA
STATE LIBRARY



Digitized by the Internet Archive
in 2016 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

1700

REPORT
of the
COMMISSIONERS
APPOINTED
To Revise the Penal Code
of the
COMMONWEALTH OF
PENNSYLVANIA

CODE OF CRIMINAL PROCEDURE

DECEMBER 1, 1924

Py P397/3.1
1924
pt. 2

REPORT.

To the Honorable, the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly Met:

Under the Joint Resolution of July 25, 1917, P. L. 1188, a Commission was appointed to revise, collate and digest all acts and statutes relating to or touching the Penal Laws of the Commonwealth. By a Joint Resolution of June 23, 1919, P. L. 1211, the Commission was continued and directed to make a report to the General Assembly of 1921, which report was duly submitted. By a Joint Resolution of May 27, 1921, P. L. 1187, the Commission was continued for two years and authorized to revise, collate and digest all acts and parts of acts relating to criminal procedure, including the law of evidence.

The Commission submitted to your Honorable Body at its last session two proposed acts, one a Code of Criminal Law and the other a Code of Criminal Procedure.

By a Joint Resolution approved June 14, 1923, P. L. 699, the Commission was again continued and provision was made for the appointment of two additional members who were subsequently named by the Governor.

The Commissioners have submitted in a separate report the proposed Code of Criminal Law, and herewith submit a Code of Criminal Procedure, entitled "An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings, and imposing certain costs therein upon the Commonwealth of Pennsylvania and the various counties thereof."

After thorough consideration, the Commissioners deem it inadvisable to submit any act codifying the laws relating to criminal evidence, for the reason that the statute law is fairly clear and the decisions are well settled. Any changes in this law which are deemed wise may be made without a codification of the entire law.

The Commission has followed in large part the general classification contained in the Act of March 31, 1860, P. L. 427, generally known as the "Criminal Procedure Act of 1860." Some changes in classification were necessary because there had been added to the law by way of supplement, amendment and new legislation a number of matters not covered by the Act of 1860. Our effort has been to arrange this later legislation under its appropriate article and title and to include in the proposed act all legislation of a general nature upon the subject of procedure and pleading.

Some explanation of the difference between the subject of "Indictments and Pleadings" in the present Report and in the Report of 1923, is necessary.

In our Report submitted to the Session of 1923, we recommended the adoption of short forms of indictments, designed to simplify criminal pleading. Such forms, under legislative enactments, are in use in England, Canada, New Zealand and India, as well as in some of the States of the United States, including Massachusetts. The problem confronting the Commissioners in determining the validity of such short form of indictment differed from that presented in England and in its Colonial possessions, because of the existence here of a written Constitution prescrib-

ing the method of instituting criminal prosecutions, and the form of the written accusation.

Our Constitution gives the accused the right to demand the nature and cause of the accusation against him and provides that no person shall, for any indictable offense, be proceeded against criminally by information except in the cases there specified. So that these constitutional rights of the accused might have due recognition, the Commissioners followed the course pursued by the Legislature of Massachusetts when it adopted the short form of indictment, by providing that a defendant should have an absolute right to a bill of particulars where the indictment by reason of its brevity did not inform him of the nature and cause of the accusation against him with sufficient fullness to enable him to prepare his defense. With this purpose Section 35 of our Report of 1923, as supplemented at the suggestion of the Commission at the last session, gave the defendant an absolute right to a bill of particulars in the limited class of cases mentioned.

The proposed Code was discussed with the members of the State Association of District Attorneys at a number of meetings with the Commissioners before the Session of 1923, during said session, and in November of the present year. No serious objection was made to the short form of indictment but the desirability of Section 35, relating to bills of particulars, was vigorously questioned. The general opinion of the District Attorneys was that frequent applications would be made for bills, if the section were enacted, and their work would be increased rather than diminished by the provision. They preferred the old form of indictment without an absolute

right to a bill of particulars to the new form with a right to such bill, even in the limited class of cases mentioned.

The Commissioners yielded to their wishes in this matter and decided to eliminate from the proposed bill the section in controversy. In the opinion of the majority of the Commissioners, however, this decision made it necessary to abandon the proposed short form of indictment.

The Commissioners therefore recommend the rule laid down by Section 11 of the Procedure Act of 1860 for determining the validity and sufficiency of an indictment and have retained it as Section 401 of the proposed Act. A number of provisions of the Indictment and Pleading title of our Report of 1923, to which no objections were made and which in our opinion simplify indictments to some extent, have been retained. In large part these provisions are taken from a draft of a Code of Criminal Procedure which was the report of Committee "E" of the American Institute of Criminal Law and Criminology, published in Volume 5 of the Journal of said Institute for the year 1914 and 1915.

We have further recommended the repeal of the Act of May 11, 1923, P. L. 204, which amended Section 1 of the Act of May 5, 1921, P. L. 379. The purpose of the Act of 1923 was to limit the power of the Court in imposing indeterminate sentences by a provision that the minimum limit should not exceed one-half of the maximum sentence prescribed by the Court. We believe that the general feeling in the Commonwealth among the Courts and the District Attorneys is that the power of determining the minimum and maximum terms of imprisonment should

be given to the judges of our Courts. While we have hesitated to make a recommendation for the repeal of an act passed so recently, the members of the Commission are of one mind on this subject. They feel that the experience in our State, both before the amendment of 1923 and under that amendment, justifies this recommendation.

The commentary herewith shows as to each section of the proposed bill whether it is a re-enactment of existing law, a modification thereof, or a new provision. It is not possible to state in brief form all the changes proposed by the act, but an examination of the commentary in connection with the sections proposed will make it evident that in a large measure the act is a mere codification of existing laws, except so far as the new provisions in relation to indictments suggest changes looking toward further simplification.

The State Association of District Attorneys spent a number of days with the members of the Commission at Harrisburg and their assistance was of great value to the Commission in its work.

The commentary showing specifically the changes in the existing law proposed by the present act is as follows:

ARTICLE I.—OF PROCEEDINGS TO DETECT
THE COMMISSION OF CRIMES AND FUGI-
TIVES FROM JUSTICE.

SECTION 1 re-enacts Section 1 of the Procedure Code of 1860. The language is slightly changed, and other courts of record having jurisdiction added to the courts named in the original act.

SECTION 2 is Section 2 of the Procedure Code of 1860 with the word "offense" substituted for the word "felony," and other courts of record having jurisdiction added to the courts named.

SECTION 3 takes the place of Section 1 of the Act of May 2, 1899, P. L. 173, which amended Section 3 of the Procedure Code of 1860 and rendered obsolete Section 4 of the last mentioned act. It gives the magistrate in the County where the arrest is made the right to take cash bail and provides for its transmission to the clerk of courts of the county where the alleged crime was committed.

SECTION 4 re-enacts Section 5 of the Procedure Code of 1860.

SECTION 5 re-enacts Section 1 of the Act of May 24, 1878, P. L. 137 with slight verbal changes.

SECTION 6 re-enacts with slight verbal changes Section 1 of the Act of June 4, 1879, P. L. 95, which amended Section 2 of the Act of May 24, 1878, P. L. 137.

SECTION 7 re-enacts Section 3 of the Act of May 24, 1878, P. L. 137, and refers to the section of the proposed Penal Code, punishing the offense referred to by the section.

SECTION 8 re-enacts Section 4 of the Act of May 24, 1878, P. L. 137.

SECTION 9 re-enacts Section 1 of the Act of June 4, 1879, P. L. 95, and changes the time of detention permitted from ninety to thirty days.

ARTICLE II.—OF BAIL AND HEARING.

SECTION 201 replaces Section 7 of the Procedure Code of 1860. It adds to the crimes in which the committing magistrate may not take bail the following: kidnapping, abortion, pandering, treason, sedition, blackmail, entering a building with intent to commit a felony by use of explosives, and stopping or injuring a railroad train with intent to commit a felony thereon.

SECTION 202. This section is new and replaces the Act of April 7, 1921, P. L. 118, and May 12, 1921, P. L. 548, in so far as they relate to bail in criminal cases.

SECTION 203. This section is new and empowers the trial court to determine the forfeiture of cash bail

SECTION 204 replaces Section 1 of the Act of April 21, 1915, P. L. 145, and extends the class of

magistrates who may take bail and provides the manner in which it shall be taken.

SECTION 205 re-enacts Section 1 of the Act of March 14, 1877, P. L. 3.

SECTION 206 re-enacts Section 8 of the Procedure Code of 1860.

SECTION 207 is new. It empowers the courts by general rule to authorize district attorneys to fix the amount of bail and to approve sureties, subject to review by the court.

SECTION 208 is new and requires that bonds shall contain a clause authorizing confession of judgment upon default. Its purpose is to facilitate recovery on forfeited recognizances.

SECTION 209 re-enacts Section 1 of the Act of April 9, 1915, P. L. 76.

SECTION 210 replaces Section 1 of the Act of May 27, 1919, P. L. 306, and changes the character of the prosecutions mentioned from assault and battery to conform to the new Penal Code.

SECTION 211 replaces Section 2 of the Act of May 27, 1919, P. L. 306. It eliminates the provision allowing the magistrate to put costs upon a discharged defendant because this section has been held unconstitutional in a well reasoned opinion in *Commonwealth ex rel. Heydt vs. Bossler*, 29 D. R., 171.

SECTION 212 adopts the rule of the Act of June 11, 1885, P. L. 110 relating to returns by committing magistrates and extends it to all crimes, instead of limiting it to felonies as did the Act of 1885.

ARTICLE III.—SETTLEMENT OF CASES, NOLLE PROSEQUI AND SURETY OF THE PEACE.

SECTION 301 replaces Section 9 of the Procedure Code of 1860 with the language changed to conform to the proposed Penal Code in reference to assault and wilful and malicious bodily injury or disfigurement.

SECTION 302 re-enacts Section 29 of the Procedure Code of 1860.

SECTION 303 is Section 6 of the Procedure Code of 1860 changed to require appearance of the defendant forthwith instead of at the next session of court and adding other courts of record having jurisdiction to the courts named in the original section.

SECTION 304 re-enacts Section 1 of the Act of March 18, 1909, P. L. 42, with slight verbal changes.

SECTION 305 re-enacts Section 2 of the Act of March 18, 1909, P. L. 42.

SECTION 306 re-enacts Section 3 of the Act of March 18, 1909, P. L. 42.

SECTION 307 replaces Section 1 of the Act of April 27, 1909, P. L. 260, changing the section to require the return to the proper court instead of to the Court of Quarter Sessions.

SECTION 308 re-enacts Section 2 of the Act of April 27, 1909, P. L. 260, with the same character of change as mentioned in Section 307.

ARTICLE IV.—OF INDICTMENTS AND PLEADINGS.

SECTION 401 re-enacts Section 11 of the Procedure Code of 1860.

SECTION 402 is new. It makes it unnecessary in charging any offense to set out the means by which it was committed.

SECTION 403 combines Section 30 of the Procedure Code of 1860, with Section 1 of the Act of April 28, 1871, P. L. 244.

SECTION 404 replaces Section 21 of the Procedure Code of 1860, and further simplifies indictments for perjury.

SECTION 405 is new. It provides a short form of indictment for the new offense of stealing. This section permits but does not require the use of this form and it may be added to at the discretion of the pleader by giving further particulars of the offense.

SECTION 406 is new. It replaces Section 1 of the Act of April 14, 1905, P. L. 153, and extends the principle of that act to all offenses relating to the criminal appropriation or conversion of property.

SECTION 407 is new. It provides that where the offense relates to certificates of stock, bonds, bills of lading, etc., and all other non-negotiable securities for debt, it is sufficient to describe the same as funds, without specifying the particular character, denomination, etc.

SECTION 408 is new. It provides for the sufficiency of an indictment for libel.

SECTION 409 re-enacts Section 18 of the Procedure Code of 1860, with slight verbal changes.

SECTION 410 is new. It provides that spoken or written words or pictures may be pleaded by their general purport.

SECTION 411 is new. It provides the manner in which the accused may be identified or referred to in an indictment.

SECTION 412 is new. It provides how the time of the commission of an offense may be pleaded and its effect.

SECTION 413 is new.

SECTION 414 is new. It provides for general descriptions of persons, places and things.

SECTION 415 is new. It provides the manner of describing persons other than the accused.

SECTION 416 is new. It provides that the general legal rules of interpretation shall apply to indictments.

SECTION 417 is new. It provides a short method of pleading a previous conviction.

SECTION 418 is new. It provides a method of pleading a private statute.

SECTION 419 is new. It provides a method of pleading judgments.

SECTION 420 is new. The rule requiring exceptions contained in a statute to be negated in certain circumstances and not in others is artificial and the legislature has power to alter the rule.

SECTION 421 is new. It permits allegations in the alternative where the offense may be constituted of several acts or may be committed by several means.

SECTION 422 is new. It provides that indirect allegations shall not render an indictment invalid.

SECTION 423 is new. Under it repugnancy does not vitiate an indictment if it is sufficient under Section 401 of the act.

SECTION 424 is new but merely adopts the accepted rule which allows surplusage to be disregarded.

SECTION 425 is new. Section 12 of the Procedure Code of 1860 provided for the amendment of variances between any matter in writing or in print and the recital of it in the indictment. Section 13 of the same act dealt with a large number of specific variances in names of places, names of persons who were alleged to be the owners of property or to be injured by the commission of the offense. The present section covers all variances.

SECTION 426 is new. Provision was made by Section 24 of the Procedure Code of 1860 for the joinder of larceny and receiving stolen property and by Section 28 of the same act for the joinder of distinct acts of embezzlement, not exceeding three, committed against the same employer within six months.

The purpose of the present section is to allow the joinder in the same indictment of charges which are founded on the same facts or form or are a part of a series of offenses of the same or a similar character in all classes of crimes.

SECTION 427 re-enacts Section 27 of the Procedure Code of 1860.

SECTION 428 is a modification of Section 10 of the Procedure Code of 1860. It requires that the names of witnesses shall be endorsed on the indictment but expressly provides that the failure to endorse the name of any witness shall not render the indictment defective but the defendant shall have the right to compel the Commonwealth to furnish omitted names.

SECTION 429 is substantially a re-enactment of the Act of 15 May, 1895, P. L. 71, which in connection with previous acts abolished arraignment except in murder cases.

SECTION 430 is substantially a re-enactment of Section 26 of the Procedure Code of 1860.

SECTION 431 re-enacts Section 30 of the Procedure Code of 1860.

SECTION 432 re-enacts Section 1 of the Act of April 15, 1907, P. L. 62.

SECTION 433 is new. It provides that the previous provisions of the article on indictments and pleadings shall not affect the rules of evidence nor relieve the Commonwealth of the necessity of proving all essential elements of the crime.

ARTICLE V.—GRAND JURY, COURTS, JURISDICTION, VENUE AND CHANGE OF VENUE.

SECTION 501 is Section 10 of the Procedure Code of 1860 changed to empower the foreman or any member of the grand jury to administer the requisite oath to witnesses appearing before the grand jury instead of "to any person whose name may be marked by the district attorney upon the indictment." In connection with Sec. 428 it clarifies a doubtful point in criminal procedure.

SECTION 502 replaces Section 31 of the Procedure Code of 1860. It makes certain changes in the jur-

isdiction of oyer and terminer necessitated by the changes in the proposed Penal Code and adds to the exclusive jurisdiction of the Court of Oyer and Terminer blackmail, sedition, the offense of entering a building with intent to commit a felony by the use of explosives and the stopping or attempting to stop a railroad train with intent to commit a felony thereon. It saves from implied repeal the laws relating to the Municipal Court of Philadelphia.

SECTION 503 replaces Section 32 of the Procedure Code with no substantial change in the jurisdiction of the court of quarter sessions. It saves from implied repeal the laws relating to the jurisdiction of the Municipal Court of Philadelphia.

SECTION 504. This section is new. It provides for jurisdiction in homicide cases where the cause of death is inflicted in one place and the death occurs at another.

SECTION 505 re-enacts Section 43 of the Procedure Code of 1860.

SECTION 506 re-enacts Section 48 of the Procedure Code of 1860 with slight verbal changes.

SECTION 507 re-enacts Section 49 of the Procedure Code of 1860 with automobile and airplane added to the vehicles mentioned and the words "felony" and "misdemeanor" changed to "offenses."

SECTION 508 re-enacts Section 1 of the Act of July 22, 1913, P. L. 912.

SECTION 509 re-enacts Section 1 of the Act of March 18, 1875, P. L. 30.

SECTION 510 re-enacts Section 2 of the Act of March 18, 1875, P. L. 30.

SECTION 511 re-enacts Section 3 of the Act of March 18, 1875, P. L. 30.

SECTION 512 re-enacts Section 4 of the Act of March 18, 1875, P. L. 30.

SECTION 513 re-enacts with slight verbal changes Section 2 of the Act of May 19, 1923, P. L. 283, providing for change of venue on application to the Superior Court in certain classes of cases.

SECTION 514 re-enacts Section 3 of the last mentioned act on the same subject.

SECTION 515 re-enacts Section 4 of the same act providing for the hearing by the Superior Court in such cases.

SECTION 516 re-enacts Section 44 of the Procedure Code of 1860.

SECTION 517 re-enacts Section 45 of the Procedure Code of 1860.

SECTION 518 re-enacts Section 38 of the Act of March 31, 1860, P. L. 382, and transfers it from the criminal code to the code of procedure.

ARTICLE VI.—OF THE TRIAL.

SECTION 601 replaces Section 34 of the Procedure Code of 1860 and changes said section by directing that no person shall be placed within the prisoner's bar to plead.

SECTION 602 re-enacts Section 35 of the Procedure Code of 1860.

SECTION 603 replaces Sections 36 and 37 of the Procedure Code of 1860, which were amended by Section 1 of the Act of 6 March, 1901, P. L. 16, and Section 1 of the Act of July 9, 1901, P. L. 629. It provides that no right to stand aside jurors shall exist and gives the Commonwealth and defendants the same number of peremptory challenges,—six in misdemeanors, eight in felonies other than those triable exclusively in oyer and terminer, and twenty in the trial of felonies triable exclusively in oyer and terminer.

SECTION 604 replaces Section 38 of the Procedure Code of 1860 and gives the courts power to change by general rule the manner of exercising challenges except in cases triable exclusively in oyer and terminer.

SECTION 605 re-enacts Section 39 of the Procedure Code of 1860.

SECTION 606 re-enacts Section 40 of the Procedure Code of 1860.

SECTION 607 replaces Section 54 of the Procedure Code of 1860 relating to the two term rule and provides that where terms of court are of less duration than three months the word term shall be construed to mean a period of three calendar months.

SECTION 608 re-enacts Section 50 of the Procedure Code of 1860.

SECTION 609 re-enacts Section 51 of the Procedure Code of 1860.

SECTION 610 re-enacts Section 53 of the Procedure Code of 1860.

SECTION 611 replaces Section 56 of the Procedure Code of 1860 and limits the power to commit a witness to prison or require bail to cases triable exclusively in oyer and terminer.

SECTION 612 replaces Section 1 of the Act of April 17, 1913, P. L. 79.

SECTION 613 replaces Section 1 of the Act of March 22, 1907, P. L. 31.

SECTION 614 re-enacts Section 42 of the Procedure Code of 1860.

SECTION 615 re-enacts Section 41 of the Procedure Code of 1860.

ARTICLE VII.—APPEALS AND NEW TRIALS
ON THE GROUND OF AFTER DISCOVERED EVIDENCE.

SECTION 701 replaces Section 33 of the Procedure Code of 1860.

SECTION 702 replaces Section 57 of the Procedure Code of 1860.

SECTION 703 replaces Section 58 of the Procedure Code of 1860.

SECTION 704 replaces Section 60 of the Procedure Code of 1860.

SECTION 705 is new and requires all appeals in criminal cases to be taken within thirty days from the date of sentence in the court below.

SECTION 706 is substantially a re-enactment of that part of Section 12 of the Act of May 19, 1897, P. L. 67, which relates to supersedeas upon appeals in criminal cases. The section is not repealed because it provides for appeals from judgments in other cases.

SECTION 707 provides that an appeal taken in criminal cases is returnable to the appellate court and shall be there argued at the time fixed by general rule of the court.

SECTION 708 is new and allows an indigent defendant to appeal without printing the evidence.

SECTION 709 replaces Section 1 of the Act of June 3, 1911, P. L. 627.

SECTION 710 re-enacts Section 2 of the Act of February 15, 1870, P. L. 15.

SECTION 711 replaces Section 61 of the Procedure Code of 1860.

SECTION 712 re-enacts Section 1 of the Act of April 22, 1903, P. L. 245.

SECTION 713 re-enacts Section 2 of the Act of April 22, 1903, P. L. 245.

SECTION 714 re-enacts Section 3 of the Act of April 22, 1903, P. L. 245.

ARTICLE VIII.—COSTS.

SECTION 801 re-enacts Section 13 of the Act of September 23, 1791, 3 Smith's Laws, 37.

SECTION 802 replaces Section 64 of the Procedure Code of 1860.

SECTION 803 replaces Section 62 of the Procedure Code of 1860 and Section 1 of the Act of May 19, 1887, P. L. 138.

SECTION 804 replaces Section 63 of the Procedure Code of 1860.

SECTION 805 replaces Section 1 of the Act of May 25, 1897, P. L. 89, which was supplementary to Section 62 of the Procedure Code of 1860 and changes the law so as to allow the grand jury on an ignoramus and the petit jury on an acquittal to dispose of costs in all cases of stealing.

SECTION 806 replaces Section 2 of the Act of May 25, 1897, P. L. 89, which amended Section 64 of the Criminal Procedure Code and Section 1 of the Act of May 11, 1874, P. L. 132.

SECTION 807 is new. It provides that upon the termination of prosecutions for stealing and assault, etc., the costs shall be chargeable against the county.

SECTION 808 re-enacts Section 2 of the Act of July 22, 1913, P. L. 912.

SECTION 809 re-enacts Section 1 of the Act of May 2, 1901, P. L. 127.

SECTION 810 re-enacts Section 1 of the Act of April 14, 1905, P. L. 152.

SECTION 811 re-enacts Section 2 of the Act of April 14, 1905, P. L. 152.

SECTION 812 replaces part of Section 2 of the Act of May 19, 1887, P. L. 138.

SECTION 813 replaces Section 1 of the Act of March 20, 1818, 7 Smith's Laws 86.

SECTION 814 re-enacts part of Section 2 of the Act of May 19, 1887, P. L. 138.

SECTION 815 replaces Section 1 of the Act of May 6, 1915, P. L. 266, which amended Section 1 of the Act of May 6, 1887, P. L. 86.

SECTION 816 re-enacts Section 65 of the Procedure Code of 1860.

SECTION 817 re-enacts Section 1 of the Act of March 10, 1905, P. L. 35.

SECTION 818 re-enacts Section 1 of the Act of May 7, 1907, P. L. 166.

SECTION 819 re-enacts Section 1 of the Act of June 29, 1923, P. L. 973.

ARTICLE IX.—SENTENCES AND JUDGMENTS.

SECTION 901 re-enacts Section 1 of the Act of June 19, 1913, P. L. 528.

SECTION 902 re-enacts Section 2 of the Act of June 19, 1913, P. L. 528, with slight changes.

SECTION 903 re-enacts Section 3 of the Act of June 19, 1913, P. L. 528.

SECTION 904 re-enacts Section 4 of the Act of June 19, 1913, P. L. 528.

SECTION 905 re-enacts Section 5 of the Act of June 19, 1913, P. L. 528.

SECTION 906 re-enacts Section 6 of the Act of June 19, 1913, P. L. 528.

SECTION 907 re-enacts Section 7 of the Act of June 19, 1913, P. L. 528.

SECTION 908 re-enacts Section 8 of the Act of June 19, 1913, P. L. 528.

SECTION 909 replaces Section 9 of the Act of June 19, 1913, P. L. 528.

SECTION 910 re-enacts Section 6 of the Act of June 19, 1911, P. L. 1055. By its enactment the Act of May 11, 1923, P. L. 204, will be repealed.

SECTION 911 replaces Section 7 of the Act of June 19, 1911, P. L. 1055.

SECTION 912 replaces Section 8 of the Act of June 19, 1911, P. L. 1055.

SECTION 913 replaces Section 9 of the Act of June 19, 1911, P. L. 1055.

SECTION 914 replaces Section 1 of the Act of June 3, 1915, P. L. 788.

SECTION 915 replaces Section 11 of the Act of June 19, 1911, P. L. 1055.

SECTION 916 replaces Section 12 of the Act of June 19, 1911, P. L. 1055.

SECTION 917 replaces Section 13 of the Act of June 19, 1911, P. L. 1055.

SECTION 918 replaces Section 2 of the Act of June 3, 1915, P. L. 788.

SECTION 919 replaces Section 17 of the Act of June 19, 1911, P. L. 1055.

SECTION 920 replaces Section 1 of the Act of June 19, 1913, P. L. 532.

SECTION 921 replaces Section 75 of the Procedure Code of 1860 as amended by Section 1 of the Act of June 26, 1895, P. L. 374.

SECTION 922 requires that all persons sentenced to imprisonment may be required to perform labor and replaces that part of Section 1 of the Act of June 26, 1895, P. L. 374, which requires persons in jail to perform labor.

SECTION 923 replaces Section 74 of the Procedure Code of 1860 as amended by the Act of February 28, 1905, P. L. 25.

SECTION 924 replaces Section 1 of the Act of May 11, 1901, P. L. 166.

SECTION 925 replaces Section 2 of the Act of May 11, 1901, P. L. 166.

SECTION 926 replaces Section 3 of the Act of May 11, 1901, P. L. 166.

SECTION 927 replaces Section 4 of the Act of May 11, 1901, P. L. 166.

SECTION 928 replaces part of Section 5 of the Act of May 11, 1901, P. L. 166.

SECTION 929 replaces part of Section 5 of the Act of May 11, 1901, P. L. 166.

SECTION 930 replaces Section 6 of the Act of May 11, 1901, P. L. 166.

SECTION 931 takes the place of Section 15 of the Act of June 19, 1911, P. L. 1055, and Section 5 of the Act of May 11, 1901, P. L. 166.

SECTION 932 replaces Section 1 of the Act of June 19, 1911, P. L. 1055.

SECTION 933 replaces Section 2 of the Act of June 19, 1911, P. L. 1055.

SECTION 934 replaces Section 1 of the Act of June 21, 1919, P. L. 569.

SECTION 935 replaces Section 4 of the Act of June 19, 1911, P. L. 1055.

SECTION 936 replaces Section 5 of the Act of June 19, 1911, P. L. 1055.

SECTION 937 replaces Section 1 of the Act of June 19, 1911, P. L. 1059, with some verbal changes and one important change in substance. It requires that ten days' notice be given to the District Attorney of an application for parole and that a hearing shall be held in open court on the question.

SECTION 938 is Section 181 of the Act of March 31, 1860, P. L. 382.

SECTION 939 is Section 179 of the Act of March 31, 1860, P. L. 382.

SECTION 940 is Section 71 of the Procedure Code of 1860.

SECTION 941 is Section 72 of the Procedure Code of 1860 with verbal changes.

SECTION 942 replaces Section 1 of the Act of May 8, 1901, P. L. 143, and allows the certification to a court of civil jurisdiction of any money judgment obtained in a criminal court.

SECTION 943 is Section 2 of the Act of May 8, 1901, P. L. 143.

SECTION 944 is Section 1 of the Act of June 7, 1907, P. L. 429, with slight verbal changes.

SECTION 945 is Section 2 of the Act of June 7, 1907, P. L. 429.

SECTION 946 is Section 3 of the Act of June 7, 1907, P. L. 429.

SECTION 947 is Sections 4 and 5 of the Act of June 7, 1907, P. L. 429.

SECTION 948 re-enacts Section 1 of the Act of May 24, 1917, P. L. 268.

SECTION 949 re-enacts Section 2 of the Act of May 24, 1917, P. L. 268.

SECTION 950 re-enacts Section 4 of the Act of July 11, 1917, P. L. 774.

SECTION 951 re-enacts Section 5 of the Act of July 11, 1917, P. L. 774.

SECTION 952 re-enacts Section 78 of the Procedure Code of 1860.

SECTION 953 re-enacts Section 1 of the Act of April 29, 1874, P. L. 116.

SECTION 954 re-enacts Section 1 of the Act of February 28, 1913, P. L. 2.

SECTION 955 re-enacts Section 1 of the Act of July 11, 1923, P. L. 1044.

SECTION 956 re-enacts Section 2 of the Act of July 11, 1923, P. L. 1044.

SECTION 957 re-enacts Section 3 of the Act of July 11, 1923, P. L. 1044.

SECTION 958 re-enacts Section 4 of the Act of July 11, 1923, P. L. 1044.

SECTION 959 re-enacts Section 5 of the Act of July 11, 1923, P. L. 1044.

SECTION 960 re-enacts part of Section 3 of the Act of June 30, 1923, P. L. 982.

ARTICLE X.—GENERAL PROVISIONS.

SECTION 1001 is Section 66 of the Procedure Code of 1860, changed as affected by the Mental Health Act of 1923 (Act of July 11, 1923, P. L. 998).

SECTION 1002 replaces Section 67 of the Procedure Code of 1860. It adopts the provisions of the Mental Health Act of 1923 *supra*, in dealing with insanity upon arraignment or trial.

SECTION 1003 is new and adopts the provisions of the Mental Health Act of 1923 as to expenses.

SECTION 1004 makes provision for the removal of insane prisoners to hospitals in accordance with the Mental Health Act of 1923.

SECTION 1005 replaces Section 68 of the Procedure Code of 1860 and adopts the provisions of the Mental Health Act of 1923 as to insane persons charged with offenses who are discharged for want of prosecution.

SECTION 1006 is new and provides for the payment of the cost of committing insane persons.

SECTION 1007 is new and abolishes outlawry provided for in Section 73 of the Code of Procedure of 1860.

SECTION 1008 replaces Section 77 of the Procedure Code of 1860; Section 1 of the Act March 23, 1877, P. L. 26; Section 6 of the Act of June 12, 1878, P. L. 196; Section 1 of the Act of April 23, 1889, P. L. 48.

SECTION 1009 is a statute of limitations in bastardy cases. It re-enacts the Act of July 21, 1919, P. L. 1075.

SECTION 1010 is new.

SECTION 1011 is the provision for short title.

SECTION 1012 contains definitions.

SECTION 1013 is the repealer section.

Respectfully submitted,

EDWIN M. ABBOTT,

Chairman,

CLARENCE D. COUGHLIN,

LEX N. MITCHELL,

GEORGE C. BRADSHAW,*

JOHN H. MAURER,

MARION D. PATTERSON,

WILLIAM E. MIKELL,

*Draftsman of the Penal Code
and Secretary of the Com-
mission,*

RICHARD W. MARTIN,

*Draftsman of the Code of
Procedure.*

*Deceased.

AN ACT

TO CONSOLIDATE, REVISE AND AMEND THE LAWS OF THIS COMMONWEALTH RELATING TO PENAL PROCEEDINGS AND PLEADINGS AND IMPOSING CERTAIN COSTS THEREIN UPON THE COMMONWEALTH OF PENNSYLVANIA AND THE VARIOUS COUNTIES THEREOF.

GENERAL SUMMARY.

ARTICLE I.—OF PROCEEDINGS TO DETECT
THE COMMISSION OF CRIMES AND OF
FUGITIVES FROM JUSTICE.

- Section 1. Writs of arrest, *et cetera*.
- Section 2. Escapes into another county.
- Section 3. Arrest out of jurisdiction of justice granting warrant; taking of bail in such cases.
- Section 4. Of property supposed to be stolen found in the possession of one accused.
- Section 5. Warrant for arrest of fugitive from another state.
- Section 6. Proceedings and hearing on arrest of fugitive from another state.
- Section 7. Taking from state without requisition and hearing.
- Section 8. Violation of above sections by sheriff.
- Section 9. Arrest of fugitive on information of offense, and warrant.

ARTICLE II.--OF BAIL AND HEARING.

- Section 201. Bail allowed; who may admit to bail.
- Section 202. Character and description of bail and how it is to be taken.
- Section 203. Forfeiture of cash bail.
- Section 204. Power of magistrates to admit to bail.
- Section 205. Power of clerk of court in absence of judge.
- Section 206. Bail piece allowed all sureties and surrender of bail.
- Section 207. Courts may empower district attorney to approve sureties.
- Section 208. Bond to contain confession of judgment clause.
- Section 209. Duty of officer to issue certificate stating offense and bail demanded.
- Section 210. Hearing in assault cases.
- Section 211. Discharge; and assessment of costs.
- Section 212. Return of cases within five (5) days.

ARTICLE III.--SETTLEMENT OF CASES, NOLLE PROSEQUI AND SURETY OF THE PEACE.

- Section 301. Settlement of cases.
- Section 302. *Nolle prosequi*.
- Section 303. Surety of the peace.
- Section 304. Justice to hold hearing in surety of the peace.
- Section 305. Discharge of defendant; costs.
- Section 306. Duty of justice to suggest compromise.

- Section 307. Return of surety of the peace cases; time of hearing.
- Section 308. Recognizances in surety cases; forfeitures.

ARTICLE IV.—OF INDICTMENTS AND PLEADINGS.

- Section 401. Sufficiency of indictments; time and manner of objections.
- Section 402. Means by which offense was committed need not be pleaded.
- Section 403. Murder, voluntary manslaughter and involuntary manslaughter—essentials of indictments.
- Section 404. Perjury and subornation of perjury—essentials of indictments.
- Section 405. Stealing—definition—essentials of indictment.
- Section 406. Description of property where offense relates to money or negotiable securities.
- Section 407. Description of property where offense relates to certificates of stock or other non-negotiable securities.
- Section 408. Libel—indictment—sufficiency.
- Section 409. Description of written instruments.
- Section 410. Allegation of spoken or written words or averments as to pictures.
- Section 411. Name and identification of the accused.
- Section 412. Time of the commission of offense.

- Section 413. Allegation of ownership of property,
proof of possession.
- Section 414. General descriptive allegations.
- Section 415. Name of person other than accused.
- Section 416. Meaning of words and phrases.
- Section 417. Allegation of previous conviction.
- Section 418. Pleading private statutes.
- Section 419. Pleading judgments.
- Section 420. Exceptions in statutes need not be nega-
tived.
- Section 421. Alternative allegations.
- Section 422. Indirect allegations.
- Section 423. Repugnancy.
- Section 424. Surplusage.
- Section 425. Defects, variances and amendments.
- Section 426. Joinder of offenses; misjoinder, dupli-
city.
- Section 427. Prosecutor's name to be endorsed on
indictment.
- Section 428. Names of witnesses to be marked on
indictment.
- Section 429. Arraignment abolished except in mur-
der cases.
- Section 430. Prisoners standing mute.
- Section 431. Pleas of autrefois acquit and autrefois
convict.
- Section 432. Pleas of guilty without indictment.
- Section 433. Jurisdiction, venue and laws of evi-
dence unchanged.

ARTICLE V.—GRAND JURY, COURTS, JURIS-
DICTION, VENUE AND CHANGE OF VENUE.

- Section 501. Grand jurors authorized to administer oath.
- Section 502. Jurisdiction of oyer and terminer.
- Section 503. Jurisdiction of quarter sessions; power of judges.
- Section 504. Jurisdiction (a) when cause of death occurs in one county and death in another; (b) when cause of death occurs on high seas and death in this commonwealth; (c) when cause of death occurs in this commonwealth and death without commonwealth.
- Section 505. Jurisdiction of treason committed out of jurisdiction of commonwealth.
- Section 506. Offenses near county line.
- Section 507. Offenses committed during journeys.
- Section 508. Escape of prisoners and convicts.
- Section 509. Change of venue; for what cause granted.
- Section 510. Application for change of venue; order.
- Section 511. Proceedings and trial upon change of venue.
- Section 512. Disposition of defendant and witnesses upon change of venue.
- Section 513. Additional grounds for change of venue. Application to superior court.
- Section 514. Duty of state policemen.
- Section 515. Hearing in superior court.
- Section 516. Place of trial of accessories before the fact.

Section 517. Place of trial of accessories after the fact.

Section 518. Venue in bastardy cases.

ARTICLE VI.—OF THE TRIAL.

Section 601. Prisoners not to be placed in criminal bar to plead.

Section 602. Persons indicted for treason to have copy of indictment, and list of jurors and witnesses.

Section 603. Challenges by the commonwealth and the defendant.

Section 604. How challenges are to be conducted.

Section 605. How challenges are to be determined.

Section 606. Trial of persons jointly indicted and joint challenges.

Section 607. Time of trial of persons committed; two term rule.

Section 608. Persons indicted for felony or misdemeanor may be found guilty of an attempt to commit the same.

Section 609. Persons tried for misdemeanor not to be acquitted, if it appears that the offense amounts to a felony.

Section 610. Cure of defects in jury process by verdict.

Section 611. Witnesses not to be imprisoned except in certain cases.

Section 612. Compensation of witnesses in prison for want of bail.

Section 613. Appointment of counsel for indigent persons accused of murder.

Section 614. No alien entitled to jury *de medietate linguae*.

Section 615. *Tales de circumstantibus*.

ARTICLE VII.—OF APPEALS AND NEW TRIALS ON THE GROUND OF AFTER DIS- COVERED EVIDENCE.

Section 701. Removal of indictments and proceedings to supreme or superior court by appeal.

Section 702. Exceptions.

Section 703. Lower court to file points and answers thereto with the record.

Section 704. Appeal to issue from prothonotary's office of proper district; orders, decrees, judgments, etc., to be entered there.

Section 705. All appeals to be taken within thirty days.

Section 706. No appeal to operate as *supersedeas* unless ordered.

Section 707. Return day and time of argument to be fixed by court.

Section 708. Not necessary for indigent and destitute appellants to have evidence printed.

Section 709. Costs on appeal by destitute defendant in murder case.

Section 710. Appeals to stay execution of sentence in capital offenses; duty of supreme court to review law and evidence.

- Section 711. Final proceedings upon affirmance or reversal of judgment.
- Section 712. The supreme court may authorize new trial in murder case.
- Section 713. Discharge of rule if evidence not sufficient.
- Section 714. If evidence sufficient rule to be made absolute.

ARTICLE VIII.—COSTS.

- Section 801. No costs to be paid by innocent defendants.
- Section 802. Payment of costs by county or party convicted in cases of felony.
- Section 803. Payment of costs by prosecutor, defendant or county in cases of misdemeanor.
- Section 804. Defendant's bill of costs where prosecutor is directed to pay costs or costs are divided.
- Section 805. Costs in stealing.
- Section 806. Costs in cases of assault.
- Section 807. Costs to be chargeable against county.
- Section 808. Costs of trial of escaped convicts.
- Section 809. Costs where recognizance is forfeited.
- Section 810. Costs on *nolle prosequi*.
- Section 811. Costs where verdict of jury imposing costs is set aside.
- Section 812. Expenses of district attorney on appeal cases.
- Section 813. Four dollars payable to county in criminal cases.

- Section 814. Costs in surety of peace and desertion cases.
- Section 815. Discharge without proceeding under insolvent laws.
- Section 816. Costs in cases of joint offenders.
- Section 817. Duplicate returns, complaints, etc.
- Section 818. Payment of costs of investigation of public matters by grand jury.
- Section 819. Expense incurred in investigation of crime; payment by county or defendant.

ARTICLE IX.—SENTENCES AND JUDGMENTS.

- Section 901. Murder in first degree to be punished by electrocution.
- Section 902. Transcript of record to Governor and Pardon Board.
- Section 903. Issuance of warrant by Governor.
- Section 904. Notice to deliver prisoner; nature of confinement.
- Section 905. Who present at execution.
- Section 906. Warden to certify to execution of sentence.
- Section 907. Post mortem examination—disposition of body.
- Section 908. Expenses; how paid.
- Section 909. Repair of necessary buildings.
- Section 910. Sentence to penitentiary for indefinite term; no right of commutation.
- Section 911. Clerk to furnish warden list of prisoners.

- Section 912. Applications for parole; meeting of board.
- Section 13. Recommending parole; report to Governor.
- Section 914. Conviction during parole; service of unexpired term.
- Section 915. Board to report reasons for not recommending.
- Section 916. Parole officers; duties, salaries and expenses.
- Section 917. Recommending pardon.
- Section 918. Arrest and imprisonment for breach of parole.
- Section 919. Rules and regulations of board of inspectors.
- Section 920. Parole of prisoners sentenced before July 1, 1911.
- Section 921. Imprisonment for less than one year.
- Section 922. Convicts in penal institutions may be required to perform labor.
- Section 923. Imprisonment for one year or more, either in penitentiary, county prison or workhouse.
- Section 924. Commutation of sentence for good behavior.
- Section 925. Commutation under more than one conviction.
- Section 926. Monthly report of prisoners to be discharged.
- Section 927. Conditions of commutation of sentence.
- Section 928. Prison boards to determine amount of commutation.
- Section 929. Discretion of Governor in commutation.

- Section 930. Provisions of act to be read to prisoners.
- Section 931. Governor to act upon paroles and commutations on recommendation only.
- Section 932. Suspension of sentence; probation.
- Section 933. Payment of fines in installments.
- Section 934. Probation officers; appointment and salary.
- Section 935. Violation of probation; arrest and sentence.
- Section 936. Discharge from probation.
- Section 937. Parole from county prisons, jails or workhouses.
- Section 938. Fulfilment of sentence; equivalent to pardon.
- Section 939. When restitution to be made.
- Section 940. Civil actions against felons.
- Section 941. Execution upon judgment of restitution.
- Section 942. Orders for payment of money to be certified to court of civil jurisdiction.
- Section 943. Revival and collection of judgments; benefit of exemption laws denied.
- Section 944. Judgment to be entered in fornication and bastardy cases.
- Section 945. *Fieri facias* on default; no exemption.
- Section 946. Attachment execution; no exemption.
- Section 947. Reissue of writs and costs on same.
- Section 948. Procedure in desertion case; sentence to labor; payment of wages.
- Section 949. Attachment for violation of order.
- Section 950. Order for payment of support of child in lieu of fine.
- Section 951. Payment under court order as defense.

- Section 952. Fines to be paid to commonwealth for the use of the county.
- Section 953. Imprisonment on commutation of death sentence.
- Section 954. Sentence under unconstitutional law: re-sentence.
- Section 955. Transfer of prisoners.
- Section 956. Petition for transfer.
- Section 957. Duty of prison officials to accept transfer of prisoner.
- Section 958. Expense of transfer and re-transfer of prisoner.
- Section 959. Written notice of transfer or re-transfer to County Commissioners.
- Section 960. Imprisonment of prostitutes.

ARTICLE X.—GENERAL PROVISIONS.

- Section 1001. Insane prisoners; jury to find fact of insanity; court to order defendant to be detained in custody.
- Section 1002. Where defendant is found insane when called upon to plead.
- Section 1003. Expense of examination to be paid by county.
- Sections 1004. Insane prisoners to be removed to hospitals; procedure.
- Section 1005. Where prisoner brought up to be discharged appears to be insane.
- Section 1006. How expenses to be paid in such cases.
- Section 1007. Outlawry abolished.
- Section 1008. Limitation of prosecutions.
- Section 1009. Limitation in bastardy cases.

Section 1010. Effect of unconstitutionality of any section of act.

Section 1011. Short title.

Section 1012. Definitions.

Section 1013. Repeals.

ARTICLE I.—OF PROCEEDINGS TO DETECT THE COMMISSION OF CRIMES AND OF FUGITIVES FROM JUSTICE.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, that the judges of the supreme court, of the courts of oyer and terminer and general jail delivery, of the courts of quarter sessions of the peace, or other courts of record having jurisdiction, or any of them, are empowered to direct their writs and precepts to the sheriffs and coroners of the several counties within this Commonwealth, when need shall be, to take persons indicted for any offense, before them, who may be found in another county; and it shall be lawful for the said judges, or any of them, to issue subpoenas into any county of the Commonwealth, for summoning any person to give evidence in any matter or cause before the court and to compel obedience to such writs, precepts or subpoenas, by attachment or otherwise, and under such pains and penalties as other writs or subpoenas are by law granted and awarded; and that it shall be lawful for said judges, or any of them, to direct such writ, precept, summons, subpoena or attachment, to be executed by the sheriff of

the county in which the same is awarded, which said writ, precept, summons or subpoena, shall be the sufficient warrant of such sheriff for executing the same throughout this Commonwealth, as fully and effectually as if directed to and executed by the sheriff of the proper county where issued; Provided, that the reasonable expenses of executing such process when issued on behalf of the Commonwealth, shall be paid out of the funds of the county where issued, and the expenses of removing any person charged with having committed any offense in one county into another county, or of transporting any person charged with having committed any offense in this state from another state into this state for trial, or for conveying any person, after conviction, to the place of imprisonment, shall be paid out of the treasury of the county where the offense is charged to have been committed.

SECTION 2. Where any person charged with having committed any offense, in any county of this Commonwealth, shall go or escape into any other county thereof, it shall be lawful for the president or any judge of the court of common pleas or other court of record having jurisdiction in the county where the said person may be found, to issue his warrant, authorizing and requiring the sheriff of the said county to take the said person and conduct him to the proper county, where the said crime is alleged to have been committed, the expenses of which shall be paid to the said sheriff by the county to which the said person is conducted.

SECTION 3. A warrant of arrest issued by any judge or alderman of any city, or justice of the peace

of any county for any offense there committed may be lawfully executed by the officer or person to whom it is directed, or the person having the warrant for execution, by taking the person named therein whether found in the county where the warrant issued or in any other county of the Commonwealth. If the warrant is executed in a county other than that in which it was issued, it shall be the duty of the officer or person executing the warrant to carry the defendant before any alderman, justice or justices in the city or county where the arrest was made; and in case the offense for which the defendant was apprehended is bailable in law by an alderman or justice of the peace, and the defendant is willing and ready to give bail for his appearance at the next session of general jail delivery or quarter sessions or other court of record having jurisdiction to be held in and for the county where the offense was committed, such alderman, justice or justices in the county where the arrest was made may take such bail for the appearance of the defendant in the same manner as the alderman or justice issuing the warrant might have done. In the event that the alderman or justice of the peace takes cash bail as hereinafter provided, it shall be his duty to furnish the defendant a statement thereof in the manner hereinafter provided and to forthwith transmit at the expense of the defendant the said cash bail by a money order of the Government of the United States, certified check of a State or national bank or cashier's or treasurer's check thereof to the clerk of courts of the county in which the offense was committed, who shall hold the same in the manner hereinafter provided for the holding of cash bail and subject to the same conditions. The said alder-

man, justice or justices so taking bail shall deliver or transmit any recognizance taken and other proceedings to the clerk of the court, where the defendant is required to appear by virtue of such recognizance, and such recognizance and other proceedings shall be as good and effectual in law as if the same had been entered into, taken and acknowledged in the county where the offense was committed, and the same proceedings may be had thereon. In case the offense for which the defendant shall be apprehended in such other county shall not be bailable in law by an alderman or justice of the peace, or such offender shall not give bail for his appearance as hereinbefore provided, then the officer or other person so apprehending such defendant shall convey him before the alderman or justice of the peace who issued the warrant there to be dealt with according to law: Provided, that the warrant so issued as aforesaid shall be stamped with the official seal of the officer issuing the same, which seal shall contain his name and official title and the state and county of his residence.

SECTION 4. When any person shall be accused before a magistrate, upon oath or affirmation, of the crime of burglary, robbery or stealing, and the said magistrate shall have issued his warrant to apprehend such person or persons, or to search for such goods as have been described, on oath or affirmation, to have been stolen goods, if any shall be found in the custody or possession of such person or persons or in the custody or possession of any other person or persons, for his use, and there is probable cause, supported by oath or affirmation, to suspect that other goods, which may be discovered on such search, are

stolen, it shall and may be lawful for the said magistrate to direct the said goods to be seized, and to secure the same in his own custody, unless the person in whose possession the same were found shall give sufficient surety to produce the same at the time of his trial; and the said magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of that court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise, by advertising the same in three or more public places in the city or county where the offense is charged to have been committed, before the time of trial, noting in such advertisement the said inventory, the person charged and time of trial; and if, on such trial, the accused party shall be acquitted, and no other claimant shall appear or suit be commenced, then at the expiration of three months, such goods shall be delivered to the party accused, and he shall be discharged, and the county be liable to the costs of prosecution; but if he be convicted of stealing only, and, after restitution made to the owner and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other shall appear or claim the said goods, or any part of them, then it shall be lawful, notwithstanding the claim of the said party accused, to detain such goods for the term of nine months, to the end that all persons having any claim thereto may have full opportunity to come, and to the satisfaction of the court prove their property in them; on which proof the said owner or owners, respectively, shall receive the said goods, or the value thereof, if from

their perishable nature it shall have been found necessary to make sale thereof, upon paying the reasonable charges incurred by the securing of the said goods and establishing their property in the same; but if no such claim shall be brought and duly supported, then the person so convicted shall be entitled to the remainder of the said goods, or the value thereof, in case the same shall have been sold agreeably to the original inventory; but if, upon an attainder of burglary or robbery, the court shall, after due inquiry, be of opinion that the said goods were not the property of such burglar or robber, they shall be delivered together with a certified copy of the said inventory, to the commissioners of the county who shall endorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods to prove their property therein to the said commissioners; and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the net moneys arising from such sale shall be paid into the county treasury for the use of the commonwealth: Provided, always, That if any claimant shall appear within one year, and prove his property in the said goods to the satisfaction of the commissioners, or in the case of dispute, shall obtain the verdict of a jury in favor of such claim, the said claimant shall be entitled to recover, and receive from the said commissioners, or treasurer, the net amount of the moneys paid as aforesaid into the hands of the said commissioners, or by them paid into the treasury of this Commonwealth.

SECTION 5. It shall be the duty of the Governor of this Commonwealth in all cases where demand is made by the executive authority of another state or territory by requisition, accompanied by a certified copy of an indictment or information charging the commission of a crime in such other state or territory, for the arrest as a fugitive from justice of any citizen, inhabitant or temporary resident of this Commonwealth, to issue and transmit a warrant of arrest for such purpose to the sheriff or other officer authorized by law to execute warrants in the county in which the requisition describes the person to be residing or domiciled; and the sheriff, deputy sheriff or other officer aforesaid of the county alone shall have authority to execute said warrant.

SECTION 6. It shall be the duty of any person making an arrest by virtue of a warrant issued under the last preceding section of this act, before delivering the person arrested to the officer named in the requisition as the agent of the demanding state, to take the prisoner before a judge of a court of record, in open court, if the court be in session, otherwise at chambers, who shall inform the prisoner of the nature of the process under which he was arrested and the charge against him in the state where the alleged crime was committed, and inform him that if he claims that he is not the person charged by the demanding state with the commission of the alleged crime, he has a legal right to a writ of habeas corpus upon making affidavit that he is not the person named in the requisition: Provided, however, that the prisoner may waive in writing his right to be taken before

said court. Any hearing and inquiry upon any writ of habeas corpus in said matter shall be limited to the question of identification only, and shall not extend to the merits of the charge. If after hearing on such writ the court shall find the prisoner to be the person named in the requisition, it shall direct the sheriff or other officer to deliver the prisoner into the custody of the agent of the demanding state; otherwise it shall direct his discharge from custody.

SECTION 7. It shall be unlawful for any person or officer to take any person out of this Commonwealth upon the ground that the said person consents to go, or by reason of his willingness to waive the proceedings hereinbefore described; and any person who shall arrest or procure the arrest of any person in this Commonwealth, for the purpose of taking or sending him to another state, without a requisition first had and obtained, accompanied by a certified copy of the indictment or information, and without a warrant issued by or under the direction of the Governor of this Commonwealth, served by the sheriff or his deputy, and without first taking him before a judge of a court of record, as aforesaid, shall be guilty of the offense defined by Section 195 of the Penal Code of 1925.

SECTION 8. Any sheriff, deputy sheriff, or other officer, violating any of the provisions hereof relating to the arrest, detention or return of fugitives from justice except as otherwise herein provided, shall be deemed guilty of a misdemeanor in office.

SECTION 9. Nothing herein shall be construed to prevent the sheriff of any county, chief of police of any city or other person from causing the arrest as a fugitive from justice of any person upon information that such person committed a crime or misdemeanor in another state and that a warrant has there been issued for his arrest or that an indictment has been found there against him: Provided, That the officers of any town, city or county or proper authorities of such other state or territory shall procure a requisition and have it presented to the Governor of this Commonwealth within thirty days after such arrest shall have been made and the prisoner upon being arrested or detained shall be brought before a court or judge in the manner and for the purpose provided in Section 6 of this Act, and no person so arrested shall be committed or held to bail for a longer period than thirty days, exclusive of the day of his arrest, unless such requisition shall have been presented to the Governor of this Commonwealth within such period.

ARTICLE II.—OF BAIL AND HEARING.

SECTION 201. In all cases the person accused, on oath or affirmation, of any offense, shall be admitted to bail in the form hereinafter provided, by any judge, justice, mayor, recorder or alderman, where the offense charged has been committed, except such persons as are precluded from being bailed by the Constitution of this Commonwealth: Provided, also, That persons accused, as aforesaid, of murder or manslaughter, shall be admitted to bail by the su-

preme court or one of the judges thereof, or by the president or associate law judge of a court of common pleas and by no other authority. Persons accused as aforesaid of arson, rape, robbery, sodomy, burglary, kidnapping with intent to extort money or other property, treason, sedition, blackmail, abortion, pandering, entering a building of another with intent to commit a felony by the use of gunpowder, nitroglycerine, or other explosive, or injuring or stopping, or attempting to injure or stop, or conspiring to injure or stop, any moving railroad train with intent to commit any felony thereon, shall be bailable by the supreme court, the court of common pleas or other court of record having jurisdiction, or by one of the judges thereof, or a mayor or recorder of a city and by no other authority.

SECTION 202. Bail may be either one or more sufficient sureties to be taken before the court, judge, magistrate, mayor or recorder in the last preceding section of this act named, or it may be cash bail given in lieu of the sureties above named.

In prosecutions where magistrates and justices of the peace have power to take bail for hearing or continued hearing before them, the defendant may deposit with the committing magistrate in current funds of the government of the United States, the amount of the bail or recognizance fixed, and enter his own recognizance for his appearance at the time and place required. In the event of the non-appearance of the defendant at the time and place required, the said bail shall be deemed forfeited and shall be forthwith returned by the said magistrate to the clerk of courts of the county, together with

a statement in writing of the name of the defendant, the name of the prosecutor, and the crime charged, whereupon the said sum shall be subject to the same disposition as the proceeds of any other forfeited recognizance.

In the event that the defendant appears and is discharged, or, if held for appearance at court, gives other surety or bail, the cash bail shall be returned to him forthwith.

When a defendant shall be bound over to the court of oyer and terminer or quarter sessions of the peace, or other court of record having jurisdiction, and the charge is one in which the committing magistrate is permitted to take bail, and the defendant desires to give cash bail, the magistrate shall accept the same in the amount fixed by him upon the defendant entering into his recognizance for appearance at the time and place fixed, and the magistrate shall give the defendant a written statement showing the amount of the said bail, and the case in which it was given, and he shall forthwith return the amount of the said bail to the clerk of courts of the county, together with a statement in writing of the name of the defendant, the name of the prosecutor, and the crime charged, and in the event that the defendant fails to appear at the time and place required by his recognizance the amount of said cash bail shall be deemed forfeited and shall be subject to the same disposition as the proceeds of any other forfeited recognizance.

Where the amount of the bail is fixed by a judge of a court of record, by the district attorney, or by the mayor or recorder of a city, and the defendant desires to give cash bail, he shall deposit the

amount thereof as fixed by the proper authority with the clerk of courts of the county in which the case is pending, who shall give him a receipt thereof, whereupon the defendant shall enter into his recognizance in the office of the clerk of courts for his appearance at the time and place fixed, and the amount of said cash bail shall be deemed forfeited in the event of the failure of the defendant to appear at the time and place fixed, and shall be subject to the same disposition as the proceeds of any other forfeited recognizance.

In case there is no breach or forfeiture of the condition of the bail or recognizance, and the proceeding is terminated, then, upon order of the court, the clerk of courts shall pay to the defendant the amount of the bail deposited, less a commission of one-half of one percentum of the amount of the bail, which the said clerk of courts shall retain for the use of the county.

The condition of the bail, whether cash bail or sureties be given, shall be that the defendant appear and abide the judgment in the case.

SECTION 203. The court having jurisdiction of the trial shall have power and authority to determine whether a forfeiture has occurred of any cash bail given to secure the appearance of a defendant therein, and when it shall so determine, an entry thereof shall be made under the direction of the court upon the recognizance of the defendant, which entry shall be conclusive of the fact of such forfeiture.

SECTION 204. Any magistrate or justice of the peace shall have jurisdiction to release on bail any

person committed for a hearing by any other magistrate or justice of the peace in the same county, upon presentation to him of a properly signed certificate in the form set forth in Section 209 hereof stating the offense charged and the bail demanded, signed by the magistrate or justice of the peace who issued the warrant, or the officer who has the defendant in custody.

In the event that cash bail is taken hereunder, it shall be forwarded forthwith to the magistrate or justice of the peace who issued the warrant to be held as cash bail subject to the same disposition as hereinbefore provided.

SECTION 205. The clerks of the courts of quarter sessions and oyer and terminer of this Commonwealth shall have authority in all cases, except in the case of a defendant charged with treason, felonious homicide or voluntary manslaughter, to take bail and recognizances and approve such bonds as may be required by law, whenever the law judge or judges, or associate judges, if there be associate judges, shall be absent from the county seat, or shall be unable on account of sickness or other cause to attend to the duties of their office.

SECTION 206. All sureties, mainpernors, and bail in criminal cases shall be entitled to have a bail piece, duly certified by the proper officer or person before whom or in whose office the recognizance of such surety, mainpernors or bail shall be or remain, and upon such bail piece, by themselves, or their agents, to arrest and detain, and surrender their principals, with the like effect as in cases of bail

in civil actions; and such bail piece shall be a sufficient warrant or authority for the proper sheriff or jailer to receive the said principal, and have him forthcoming to answer the matter or matters alleged against him; Provided, That nothing herein contained shall prevent the person thus arrested and detained from giving new bail or sureties for his appearance, who shall have the same right of surrender hereinbefore provided.

SECTION 207. The several courts of oyer and terminer and quarter sessions of the peace or other court of record, having jurisdiction, are hereby empowered to authorize the district attorneys of the respective counties to fix the amount of the bail required of defendants in all cases including those in which the committing magistrates are without power to fix bail, except cases of felonious homicide, and to approve the sufficiency of the sureties on any bond or recognizance given to secure the appearance of a defendant in any of the said courts, with the same effect as though the said court or one of the judges thereof acted thereon. In all such cases the justification of surety shall be sworn to or affirmed before the clerk of courts or his duly authorized deputy or clerk and the recognizance shall be filed in his office.

The court having jurisdiction of the trial may review the action of the district attorney upon the application of the defendant or his counsel and shall have final authority to determine the amount of said bail.

SECTION 208. All bonds and recognizances given to secure the appearance of a defendant in any criminal case before a magistrate or before any court of criminal jurisdiction of this Commonwealth shall be judgment bonds and shall contain provisions authorizing and empowering the district attorney of the proper county to appear for the defendant and the surety or sureties in the bond, after any default in the condition thereof, and without any declaration filed, to confess judgment in favor of the Commonwealth of Pennsylvania and against the principal and sureties as of any term for the amount of the bond, together with costs of suit and containing a waiver of inquisition and agreeing to condemnation of any property that may be levied upon by virtue of any execution, and waiving and releasing all errors in said proceedings, together with stay of exemption from execution or extension of time of payment given by any act of assembly.

SECTION 209. Upon the arrest of any person, with or without a warrant, upon any charge of crime against the laws of this Commonwealth, in order to protect the right to bail and to facilitate the entry thereof, it shall be the duty of the sheriff, coroner, constable or other officer making the arrest or having charge of the prisoner, upon application made therefor by counsel or any citizen, to issue, without cost to the applicant, a certificate stating the name or names of the prisoner or prisoners, and the charge upon which the arrest was made, and the amount of bail demanded, if the bail has been fixed.

SECTION 210. In all cases of prosecution for misdemeanor of assault or wilful and malicious bodily

injury or disfigurement to another, the committing magistrate before whom such case is instituted, before he binds over any person so charged to the court of quarter sessions, or other court of record having jurisdiction, shall enter into a full hearing and investigation of the charge and shall bind the defendant over to the said court only when he is clearly satisfied from all the evidence that the prosecution is well founded, but it shall be unnecessary to set forth the character of such hearing in the transcript of the record of the committing magistrate.

SECTION 211. In all such cases, when the evidence shows that the prosecution is not well founded, the alderman, justice of the peace or magistrate shall discharge the defendant and determine by whom the costs shall be paid. In so determining, he may order that the prosecutor pay all or any part thereof, or he may put the costs on the county, or if he orders the prosecutor to pay part thereof, he may put the other part of the costs upon the county. In default of payment of the costs so imposed, the prosecutor so defaulting may be committed to the county jail one day for each dollar of such costs, or until the costs are paid, or until such person is discharged according to law, and in such cases the costs shall be paid by the county.

SECTION 212. It shall be the duty of all aldermen, justices of the peace and committing magistrates in this Commonwealth upon complaint being made in criminal cases upon oath or affirmation of any person to enter such complaint upon their dockets with the name, residence and occupation, if any, of

all the defendants, bail and witnesses, and to return to the clerk of the court having jurisdiction of the trial, a true transcript from the said docket within five days after the binding over, or committal of any defendant or defendants charged with any offense.

ARTICLE III.—SETTLEMENT OF CASES, NOLLE PROSEQUI AND SURETY OF THE PEACE.

SECTION 301. In all cases where a person shall, on the complaint of another, be bound by recognizance to appear, or shall, for want of security, be committed, or shall be indicted for an assault, for wilful and malicious bodily injury or disfigurement to another, or other misdemeanor, to the injury and damage of the party complaining, and not charged to have been done with intent to commit a felony, or not being an infamous crime, and for which there shall also be a remedy by action, if the party complaining shall appear before the magistrate who may have taken the recognizance or made the commitment, or before the court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the magistrate, in his discretion, to discharge the recognizance which may have been taken for the appearance of the defendant, or in case of committal, to discharge the prisoner, or for the court also, where such proceeding has been returned to the court, in their discretion, to order a *nolle prosequi* to be entered on the indictment, as the case may require, upon payment of costs: Provided, That this section shall not extend

to any misdemeanor committed by or on any officer or minister of justice.

SECTION 302. No district attorney shall, in any criminal case whatsoever, enter a *nolle prosequi*, either before or after bill found, without the consent of the proper court in writing first had and obtained.

SECTION 303. If any person shall threaten the person of another to wound, kill or destroy him, or to do him any harm in body or estate, and the person threatened shall appear before a justice of the peace, and attest on oath or affirmation that he believes that by such threatening he is in danger of being hurt in body or estate, such person so threatening as aforesaid shall be bound over, with one sufficient surety, to appear forthwith before the court of quarter sessions of the peace or other court of record having jurisdiction according to law, and in the meantime to be of his good behavior, and keep the peace toward all citizens of this Commonwealth. If any person not being an officer on duty in the military or naval service of the state or of the United States shall go armed with a dirk, dagger, sword or pistol, or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his family, person or property, he may, on complaint of any person having reasonable cause to fear a breach of the peace therefrom, be required to find surety of the peace as aforesaid.

SECTION 304. In all cases of surety of the peace, the justice of the peace or magistrate before whom

such case is instituted, before he binds anyone over to the court of quarter sessions or other court of record having jurisdiction, and in the meantime to keep the peace, upon the oath of another, as herein-before provided, shall enter into a full hearing and investigation of the facts, and shall bind over the defendant only when the evidence shows to the satisfaction of the justice or magistrate that the prosecutor's danger of being hurt in body or estate is actual, and that the threats were made by the defendant maliciously and with intent to do actual harm.

SECTION 305. In all cases in which the evidence does not show that the threats were maliciously made by the defendant and with intent to do harm, and that the prosecutor is actually in danger of being hurt in body or estate, it shall be the duty of the justice of the peace to discharge the defendant, and to determine how and by whom the costs shall be paid; and in determining the question of the payment of the costs he may find that the prosecutor pay them all, that the defendant pay them all, or that the prosecutor and defendant pay them in equal or unequal proportions, and in default of payment may commit the person or persons adjudged to pay the costs to the county jail until they are paid or until such person is discharged according to law.

SECTION 306. It shall be the duty of the justice of the peace or magistrate who has entertained a complaint in a surety of the peace case, to afford an opportunity and to suggest to the parties the pro-

priety of compromising their differences before entering into a hearing.

SECTION 307. Where a magistrate, alderman, or justice of the peace hearing any surety of the peace or desertion case shall determine to return the same to the proper court, such return shall be filed immediately with the clerk thereof; and the judges of said court, whenever the court is in session, and it is convenient, may dispose of the said complaint.

SECTION 308. All recognizances for the appearance of defendants in surety of the peace cases shall be made forthwith, and it shall be the duty of the justice of the peace to make his return to the court of quarter sessions of the peace or other court of record having jurisdiction immediately, by sending it to the clerk thereof, and the recognizances shall be forfeited if the defendant does not appear upon notice to him and to his surety by mail of the time and place of hearing.

ARTICLE IV.—OF INDICTMENTS AND PLEADINGS.

SECTION 401. Every indictment shall be deemed and adjudged sufficient and good in law which charges the crime substantially in the language of the act of assembly prohibiting the crime, and prescribing the punishment, if any such there be, or if at common law, so plainly that the nature of the offense charged may be easily understood by the jury.

Every objection to any indictment for any formal defect, apparent on the face thereof, shall be taken by demurrer, or on motion to quash such indictment, before the jury shall be sworn, and not afterward; and every court, before whom any such objection shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by the clerk or other officer of the court, and thereupon the trial shall proceed as if no such defect appeared.

SECTION 402. The means by which an offense was committed need not be alleged in the indictment unless an essential element of the crime.

SECTION 403. It shall be sufficient in every indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and in every indictment for involuntary manslaughter it shall be sufficient to charge that the defendant did unlawfully kill and slay the deceased.

SECTION 404. In every indictment for perjury, subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offense charged, and in what court, or before whom, the oath or affirmation was taken, or was to have been taken, without setting forth any part of the records or proceedings with which the

oath was connected, and without stating the commission or authority of the court, or other authority, before whom the perjury was committed, or the form of the oath or affirmation, or the manner of administering the same; and it shall be sufficient to aver that the defendant knowingly and corruptly swore falsely as to the matter alleged, without setting forth wherein the testimony or matter sworn to was false.

SECTION 405. The term "stealing," when used in an indictment, shall have the following signification: The criminal taking, obtaining or converting of any property, made the subject of the offense by the Penal Code of 1925; and including larceny; the obtaining of property from another by any false pretenses, with intent to defraud, and the act of anyone who, having in his possession, custody or control, any property of another, shall, with intent to deprive the owner thereof, fraudulently convert or secrete such property.

In an indictment for stealing it shall be sufficient to charge that the accused feloniously stole the property which is the subject of the offense, and such indictment shall be supported by proof that the accused committed larceny thereof, obtained it from another by any criminal false pretenses with intent to defraud, or that, having it in his possession, custody or control, he fraudulently converted or secreted it with intent to deprive the owner thereof.

SECTION 406. In an indictment for stealing, robbery, obtaining signature to a written instrument by false pretenses, receiving stolen property, or for any other criminal conversion or misappropriation of

property where the offense relates to currency, treasury notes, certificates, bank notes and other securities intended to circulate as money, and promissory notes, checks, drafts, bills of exchange, postal orders, and all other negotiable securities for debt or evidence of debt, or any of them, it is sufficient to describe the same, or any of them, as money without specifying the particular character, number, denomination, kind, species or nature thereof.

SECTION 407. In an indictment for stealing, robbery, obtaining signature to a written instrument by false pretenses, receiving stolen property, or for any other criminal conversion or misappropriation of property, where the offense relates to certificates of stock, stocks, bonds, bills of lading, mortgages, and all other non-negotiable securities for debt or evidence of debt or property, or any of them, it is sufficient to describe the same, or any of them, as funds, without specifying the particular character, number, denomination, kind, species, or nature thereof.

SECTION 408. An indictment for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the indictment is founded, but it shall be sufficient to state that the same was published concerning him.

SECTION 409. Whenever in an indictment an allegation relative to any instrument, which consists wholly or in part of writing or figures, pictures or designs, is necessary, it is sufficient to describe such

instrument by any name or description by which it is usually known, or by its purport, without setting forth a copy or *fac simile* of the whole or any part thereof.

SECTION 410. Whenever in an indictment an averment relating to any spoken or written word or to any picture is necessary, it is sufficient to set forth such spoken or written words by their general purport or to describe such picture generally, without setting forth a copy or *fac simile* of such written words or such picture.

SECTION 411. In any indictment it is sufficient for the purpose of identifying the accused, to state his true name, to state the name, appellation or nickname by which he has been or is known, to state a fictitious name or to describe him as a person whose name is unknown, or to describe him in any other manner. In stating the two names or the name by which the accused has been or is known, or a fictitious name, it is sufficient to state a surname, a surname and one or more Christian name or names, or a surname and one or more abbreviations or initials of a Christian name or names.

If the accused be a corporation, it is sufficient to state the true corporate name, or any name or designation by which it has been or is known. This is a sufficient averment that the corporation is a corporation and that it was duly incorporated according to law.

If in the course of a proceeding the true name of a person indicted otherwise than by his true name

is disclosed by the accused or by the evidence, the court shall, upon motion of the accused or of the district attorney, and may without such motion insert the true name of the accused wherever his name appears otherwise in the indictment and record, and the proceedings shall be continued against him in his true name.

No indictment need state the addition, degree, estate, mystery, occupation, title or residence of the accused.

In no case is it necessary to aver or prove that the true name of the accused is unknown to the grand jury.

SECTION 412. The time of the commission of the crime may be alleged either as a day certain or on or about a given day, and either of said allegations shall, unless otherwise stated, be considered as an allegation that the act was committed before the finding of the indictment, after it became a crime and within the period of limitations, and the Commonwealth shall be permitted to prove that the act was done on any day after it became a crime, before the finding of the indictment and within the Statute of Limitations. If the offense is a continuing offense it may be alleged that the crime was committed, or that certain acts were done, within a certain period of time, and this shall be a sufficient allegation that the crime alleged was committed, or that the acts alleged were done on divers days and times within that period.

SECTION 413. If an indictment for a crime involving the commission or attempted commission of an injury to property, real or personal, describes the property with sufficient certainty in other respects to identify it, it need not allege the name of the owner thereof.

In all cases in which an allegation of ownership of any property in an indictment is supported by proof of a right of possession of such property, any statement in the indictment which implies possession of such property by such person is a sufficient allegation of ownership.

SECTION 414. In an indictment in which it is necessary for the purpose of charging the offense under the provisions hereof to describe any person, place or thing, it is sufficient to describe such person, place or thing by any term which in common understanding embraces such person, place or thing, and in common understanding does not include persons, places or things which are not by law the subject of or connected with the offense.

SECTION 415. In any indictment it is sufficient for the purpose of identifying any person other than the accused, to state his true name; to state the name, appellation or nickname by which he has been or is known; to state a fictitious name; to state the name of an office or position held by him; to describe him in any manner, or to describe him as "a certain person," or by words of similar import. In stating the true name of such person or the name by which such person has been or is known, it is sufficient to state

a surname, or a surname and one or more Christian name or names, or a surname and one or more abbreviations or initials of a Christian name or names.

It is sufficient for the purpose of identifying any group or association of persons not incorporated, to state the proper name of such group or association (if such there be); to state any name or designation by which the group or association has been known; to state the names of all the persons in such group or association, or of one or more of them; or to state the name or names of one or more persons in such group or association, referring to the other or others as "another" or "others."

It is sufficient for the purpose of identifying a corporation, to state the corporate name of such corporation, or any name or designation by which such corporation has been or is known.

It is sufficient for the purpose of identifying a county, city, borough, township, municipality or other incorporated district to state the name or designation by which it has been or is known.

It is not necessary for the purpose of identifying any group or association of persons, or any corporation, to state the legal form of such group or association of persons or of such corporation.

In no case is it necessary to aver or prove that the true name of any person, group or association of persons or corporations is unknown to the grand jury.

If in the course of the trial the true name of any person, group or association of persons or corporations identified otherwise than by the true name is disclosed by the evidence, the court shall on motion

of the accused, and may without such motion, insert the true name in the indictment wherever the name appears otherwise.

SECTION 416. The words and phrases used in an indictment are to be construed according to their usual acceptation, except the words and phrases which have been defined by law, or which have acquired a legal signification, which words and phrases are to be construed according to their legal signification, and shall be sufficient to convey such meaning.

SECTION 417. Whenever it is necessary to allege a prior conviction of the accused in an indictment, it is sufficient to allege that the accused was at a stated time, in a certain stated court, convicted of a certain offense, giving the name of the offense if it have one, or stating the substantial elements thereof.

SECTION 418. In pleading a private statute or a right derived therefrom, it is sufficient to refer to the statute by its title and the day of its passage, or in any other manner which identifies the statute, and the court must thereupon take judicial notice thereof.

SECTION 419. In pleading a judgment or other determination of, or a proceeding before any court or officer, civil or military, it is unnecessary to allege the facts conferring jurisdiction on such court or officer, but it is sufficient to allege generally that such judgment or determination was duly given or made or such proceedings had.

SECTION 420. No indictment for any offense created or defined by statute shall be deemed defective or insufficient for the reason that it fails to negative any exception, excuse or proviso contained in the statute creating or defining the offense.

The fact that the charge is made shall be considered as an allegation that no legal excuse for the doing of the act exists in the particular case.

SECTION 421. In an indictment for an offense which is constituted of one or more of several acts, or which may be committed by one or more of several means, or with one or more of several intentions, or in one or more of different capacities, or which may produce one or more of several results, two or more of such acts, means, intentions, capacities or results may be charged in the alternative.

SECTION 422. No indictment is invalid or insufficient for the reason merely that it alleges indirectly and by inference, instead of directly, any matters, facts and circumstances connected with or constituting the offense; provided that the nature and cause of the accusation can be understood by a person of common understanding.

SECTION 423. No indictment is invalid by reason of any repugnant allegation contained therein; provided that the indictment is sufficient under Section 401 hereof.

SECTION 424. Any allegation herein stated to be unnecessary may, if contained in any indictment, be rejected as surplusage.

SECTION 425. No indictment is invalid because of any defect or imperfection in or omission of any matter of form only; nor because of any miswriting, misspelling or false or improper English; nor because of the use of foreign words or signs, symbols or abbreviations; nor because of any other defect, imperfection or omission in the manner of charging the offense; provided that the indictment is sufficient under Section 401 hereof.

A defendant shall not be acquitted on the ground of any variance of whatever character between the allegations and proof if the essential elements of the crime are correctly stated, unless he is thereby actually misled and prejudiced in his defense upon the merits of the case. He shall not be acquitted by reason of any immaterial misnomer of a person named in the indictment, any immaterial mistake in the description of the property, or in the ownership thereof, failure to prove unnecessary allegations in the commission of the crime, or any other immaterial mistake in the indictment.

The court may at any time amend the indictment in respect to any such defect, imperfection or omission, as above stated, and may at any time amend the indictment as to any such variance, as above stated, to conform to the evidence.

If the court is of the opinion that the accused has been actually misled and prejudiced in his defense upon the merits by any such defect, imperfection or omission, or by any such variance, the court may of its own motion, unless the accused objects, or on motion of the accused, postpone the trial to be had before the same or another jury, upon such

terms as the court sees fit. In determining whether the accused has been misled and prejudiced in his defense upon the merits, the court shall consider all the circumstances of the case and the entire course of the prosecution.

No motion made after verdict nor writ of error, nor appeal based upon any such defect, imperfection or omission, or based upon any such variance, shall be sustained unless it be affirmatively shown that the accused was in fact prejudiced in his defense upon the merits and a failure of justice has resulted.

SECTION 426. Charges for any offenses, whether felonies or misdemeanors, may be joined in the same indictment, if those charges are founded on the same facts or form or are a part of a series of offenses of the same or a similar character.

No indictment shall be quashed, set aside or dismissed, nor shall any demurrer thereto be sustained for any one or more of the following defects merely: (First) That there is a misjoinder of the parties accused. (Second) That there is a misjoinder of the offenses charged in the indictment, or duplicity therein.

If the court be of the opinion that either of said defects exists in any indictment, it may sever such indictment into separate indictments or into separate counts, as shall be proper.

No motion made after verdict, nor writ of error, nor appeal based on the defects enumerated in this section shall be granted or sustained, unless it be affirmatively shown that the accused was in fact

prejudiced in his defense upon the merits and a failure of justice has resulted.

SECTION 427. No person shall be required to answer to any indictment for any offense whatsoever unless the prosecutor's name, if any there be, is endorsed thereon, and if no person shall avow himself the prosecutor the court may hear witnesses and determine whether there is such a private prosecutor, and if they shall be of opinion that there is such a prosecutor then direct his name to be endorsed on such indictment.

SECTION 428. The names of all witnesses who are called and testify before the grand jury in support of any bill of indictment shall be endorsed on the bill, but the failure to endorse the name of any witness shall not render an indictment defective, but the court may require the Commonwealth to furnish the defendant the name or names of any witnesses who were called and testified and whose names are not set forth on the bill.

SECTION 429. In all cases, except murder, the defendant shall not be arraigned, but shall be required to plead orally or by writing endorsed on the indictment. In the trial of an indictment charging murder the defendant shall be arraigned in accordance with the method at present in use under existing law.

SECTION 430. If the prisoner shall upon arraignment, or when called upon to plead, stand mute or not answer directly, or shall peremptorily challenge

above the number of persons summoned as jurors for his trial to which he is by law entitled, the plea of not guilty shall be entered for him on the record, the supernumerary challenges shall be disregarded, and the trial shall proceed in the same manner as if he had pleaded not guilty and for his trial had put himself upon the country.

SECTION 431. If any plea of *autrefois acquit* or *autrefois convict*, it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted, as the case may be, of the offense charged in the indictment.

SECTION 432. Whenever any person charged with the commission of any crime is willing to enter a plea of guilty and shall notify the district attorney to that effect, no bill of indictment charging such offense shall be sent to a grand jury, but the district attorney shall at once prepare a bill of indictment in the usual form, and the plea of guilty shall at the request of the said defendant or defendant's counsel be entered thereon, and the court of the proper county, at any session thereof, shall thereupon forthwith impose sentence for the offense set forth therein; provided, however, that nothing herein shall be construed to relate to or change the proceedings in homicide cases in this Commonwealth; and providing further, that the defendant may withdraw his plea of guilty at any time before sentence by leave of the court.

SECTION 433. Nothing in this article shall affect the law or practice relating to the jurisdiction of the court or the place where an accused person can be tried; nor prejudice or diminish in any respect the obligation to establish by evidence, according to law, any acts, omissions or intentions which are legally necessary to constitute the offense with which the person accused is charged; nor otherwise affect the laws of evidence in criminal cases, nor shall anything in this article be interpreted in such a manner as to make invalid any indictment at present valid.

ARTICLE V.—GRAND JURY, COURTS, JURISDICTION, VENUE AND CHANGE OF VENUE.

SECTION 501. The foreman of the grand jury, or any member thereof, is hereby authorized and empowered to administer the requisite oaths or affirmations to any witness summoned or appearing before the grand jury for the purpose of testifying on any indictment pending before the grand jury or during the course of any investigation or hearing there lawfully pending.

SECTION 502. The courts of oyer and terminer and general jail delivery shall have power:

(1) To inquire by the oaths and affirmations of good and lawful men of the county of all crimes committed or triable in such county.

(2) To hear, determine and punish the same,

and to deliver the jails of such county of all prisoners therein, according to law.

(3) To try indictments found in the quarter sessions, and certified according to law.

(4) The said courts shall have exclusive jurisdiction and power to try and punish all persons charged with any of the crimes herein enumerated which shall be committed within the respective county, to wit:

1. All persons charged with any murder or manslaughter, or other homicide.

2. All persons charged with treason against the Commonwealth or sedition. .

3. All persons charged with sodomy, rape or robbery.

4. All persons charged with arson or with the crime of intentionally and unlawfully burning or setting on fire any dwelling house of another or building a parcel thereof, or adjoining or appurtenant thereto, or any other building by means whereof a dwelling house is burned.

5. All persons charged with burglary.

6. All persons charged with entering any building of another with intent to commit a felony therein by the use of gunpowder, dynamite, nitro-glycerine or other explosive.

7. Every person charged with having endeavored to conceal the birth of any child by any disposition of the dead body of such child, whether the child died before, during or after its birth.

8. All persons charged with the offense of pandering as defined by Section 75 of the Penal Code of 1925.

9. All persons charged with the offense of abortion.

10. All persons charged with injuring or stopping or attempting to injure or stop or entering into a conspiracy to injure or stop any moving railroad train with intent to commit any felony thereon.

11. All persons charged with blackmail as defined by Section 199 of the Penal Code of 1925.

12. All persons charged with the second or any subsequent offense, the maximum punishment whereof exceeds the term of fifteen years.

13. All persons charged with kidnapping with intent to extort any money or other property.

14. All principals in the second degree and accessories to any of the above-mentioned crimes.

Nothing herein contained shall alter, affect or impair the jurisdiction of the Municipal Court of the County of Philadelphia.

SECTION 503. The courts of quarter sessions of the peace shall have jurisdiction and power within the respective counties:

1. To inquire, by the oaths or affirmations of good and lawful men of the county, of all crimes whatsoever against the laws of this Commonwealth which shall be triable in the respective county.

2. To inquire of, hear, determine and punish, in due form of law, all such crimes whereof exclusive jurisdiction is not given, as aforesaid, to the courts of oyer and terminer of such county.

3. To take, in the name of the Commonwealth, all manner of recognizances and obligations heretofore taken and allowed to be taken by any justice

of the peace, and they shall certify such as shall be taken, in relation to any crime not triable therein, to the next court of oyer and terminer having power to take cognizance thereof.

4. To continue or discharge the recognizances and obligations of persons bound to keep the peace, or to be of good behavior, taken as aforesaid, or certified into such court by any justice of the peace of such county, and to inquire of, hear and determine, in the manner herein provided, all complaints which shall be found thereon.

5. The courts of quarter sessions shall also have jurisdiction in cases of fines, penalties or punishments imposed by any act of assembly for offenses, misdemeanors or delinquencies, except where it shall be otherwise expressly provided and enacted.

6. The said courts shall also have and exercise such other jurisdiction and powers, not herein enumerated, as may have been heretofore given to them by law.

Whenever any indictment shall be found in any court of quarter sessions, for any crime not triable therein, it shall be the duty of said court to certify the same into the court of oyer and terminer next to be holden in such county, there to be heard and determined in due course of law.

The judges of the county courts of oyer and terminer and quarter sessions, and every of them, shall have power to direct their writs or precepts to all or any of the sheriffs or other officers of any of the counties, cities, boroughs or towns corporate of this Commonwealth, to arrest and bring before them persons indicted for any offenses, and amenable to the

respective court; each of said courts shall have power to award process to levy and recover such fines, forfeitures and amercements as shall be imposed, taxed or adjudged by them respectively; each of the said courts shall have full power and authority to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes and proceedings therein, as in their discretion they shall judge necessary or proper: Provided, That such rules shall not be inconsistent with the constitution and laws of this Commonwealth; each of the said courts is empowered to issue writs of subpoena, under their official seal, into any county of this Commonwealth, to summon and bring before the respective court any person to give testimony in any cause or matter depending before them, under the penalties hitherto appointed and allowed, in any such case, by the laws of this Commonwealth.

Nothing herein contained shall alter, affect or impair the jurisdiction of the Municipal Court of the County of Philadelphia.

SECTION 504. (a) If a mortal wound is given or if other violence or injury is inflicted or if poison is administered in one county by means whereof death ensues in another county the homicide may be prosecuted and punished in either county.

(b) If a mortal wound is given or if other violence or injury is inflicted or if poison is administered on the high seas or without the Commonwealth by means whereof death ensues in any county thereof the homicide may be prosecuted and punished in the county where the death occurs.

(c) If a mortal wound is given or if other violence or injury is inflicted or if poison is administered in any county of the Commonwealth by means whereof death ensues without the Commonwealth the homicide may be prosecuted and punished in the county where the act was committed.

SECTION 505. The trial of all treason against the Commonwealth, committed out of the jurisdiction of the state, shall be in the county where the offender is apprehended, or into which he shall first be brought.

SECTION 506. In any indictment for an offense committed on the boundary or boundaries of two or more counties, or within the distance of five hundred yards of any such boundary or boundaries, it shall be sufficient to allege that such offense was committed in any of the said counties; and every such offense may be inquired of, tried, determined and punished in the county within which the same shall be so alleged to have been committed, in the same manner as if it had been actually committed therein.

SECTION 507. In any indictment for any offense committed on any person or on any property, upon any stage coach, stage, wagon, railway car, automobile, airplane, or other carriage whatever employed in any journey, it shall be sufficient to allege that such offense was committed within any county or place through any part whereof such coach, wagon, cart, car, automobile, or other carriage shall have passed in the course of the journey during which

such offense shall have been committed; and in all cases where the center or other part of any highway shall constitute the boundaries of any two counties, it shall be sufficient to allege that the offense was committed in either of the said counties through, or adjoining to, or by the boundaries of any part whereof such coach, wagon, cart, car, automobile, or other carriage shall have passed in the course of the journey during which such offense shall have been committed; and in any indictment for any offense committed on any person or on any property on board any vessel whatsoever, employed in any voyage or journey on any navigable river, canal or inland navigation, it shall be sufficient to allege that such offense was committed in any county or place through any part whereof such vessel shall have passed in the course of the voyage or journey during which such offense shall have been committed; and in all cases where the side or bank of any navigable river or creek, canal or inland navigation, or the center or other part thereof, shall constitute the boundary of any two counties, it shall be sufficient to allege that such offense was committed in either of the said counties through, or adjoining to, or by the boundary of any part whereof, such vessel shall have passed in the course of the voyage or journey during which such offense shall have been committed; and every such offense committed in any of the cases aforesaid shall and may be inquired of, tried, determined and punished in the county or place within which the same shall be so alleged to have been committed, in the same manner as if it had actually been committed therein.

SECTION 508. Any and all prisoners or convicts escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, or from the lands, jurisdiction, and control of the officers of said penal institutions, shall be tried in the counties where said escapes shall have been committed.

SECTION 509. In criminal prosecutions the venue may be changed, on application of the defendant or defendants, in the following cases:

First. When the judge, who by law is required to try the same, is a near relative of the prosecutor, or of the defendant, or of the person injured, or has knowledge of facts which make it necessary that he should be a witness in the case.

Second. When, upon the application of a defendant in a felony, it is made to appear to the satisfaction of the court that, from undue excitement against the prisoner, in the county where the offense was committed, a fair trial cannot be had, or that there exists in that county so great a prejudice against him that he cannot obtain a fair trial, or that there is a combination of persons against him, by reason of which he cannot obtain a fair trial.

Third. When, upon the trial of any criminal case, an unsuccessful effort has been made to procure and impanel a jury for the trial of the defendant, and it shall be made to appear to the court by the written affidavit of some credible witness that a fair trial cannot be had.

Fourth. When, upon the second trial of any felonious homicide, the evidence on the former trial

thereof shall have been published within the county in which the same is being tried, and the regular panel of jurors shall be exhausted without obtaining a jury.

SECTION 510. All applications for change of venue shall be made to the court in which the indictment shall be pending, in such manner as the said court shall direct, and before the jury shall be sworn therein; and if the said court shall be satisfied of the propriety of such a change of venue, and that the causes assigned therefor are true, and are within the provisions of the law, it shall be ordered that the venue thereof shall be changed to some adjoining or convenient county where the causes alleged for a change do not exist.

SECTION 511. When an order for a change of venue shall be made, the clerk of the court shall make out a full and complete transcript of the record and proceedings in said cause, and transmit the same, together with the indictment and all the other papers on file, to the clerk of the court to which the venue is changed, which transcript shall be entered on the minutes of said court; and the trial of said case shall be conducted in the court to which it shall be removed in all respects as if the indictment had been found in the county to which the venue is changed; and the costs accruing from a change of venue shall be paid by the county in which the offense was committed.

SECTION 512. Where the court has ordered a change of venue, it shall require the accused, if the

offense is bailable, to furnish bail, to be approved by the court or judge, in such sum as the court may direct, conditioned for his appearance in the court to which the venue is changed, at the first day of the next term thereof, and to abide the order of such court; and in default of such bail, or if the offense is not bailable, a warrant shall be issued directed to the sheriff, commanding him to convey safely the prisoner to the jail of the county where he is to be tried, there to be kept safely by the jailor thereof until discharged by due course of law; and the court shall bind the witnesses on the part of the Commonwealth to appear before the court in which the prisoner is to be tried.

SECTION 513. In addition to the provisions for change of venue hereinbefore stated, if any person within the jurisdiction of any county, charged with crime, shall file with the prothonotary of the Superior Court of this Commonwealth a duly verified petition, showing (1) that he is charged with, or has been arrested for, the alleged commission of or participation in some crime, the nature of which shall be set out in his petition; (2) that he has reason to apprehend that because of his race, nationality, or religion, which shall be specifically stated in his petition, the petitioner is likely to be denied the equal protection of the laws either by the courts, the officers of the law, or other inhabitants of the county, within whose jurisdiction he is; and (3) that some other person or persons of his race, color, nationality, or religion, within the jurisdiction of such county, charged with an offense similar to that with which the petitioner is charged, have been put to death without trial or bru-

tally assaulted or otherwise maltreated, or have been denied trial by due course of law, in the courts of such county, upon similar charges, because of the race, color, nationality, or religion of such person or persons,—he shall be entitled to and shall receive the protection of all officers of the Commonwealth. The petition, above described, may be verified and filed either by the person in jeopardy, as above described, or by another person in his behalf. Upon the filing of such petition with the prothonotary of such court, it shall be the duty of such prothonotary to issue forthwith, to a member of the State police, a warrant commanding him to bring the body of such petitioner into court for hearing upon such petition.

SECTION 514. It shall be the duty of such State policeman, upon receipt of such warrant, to arrest and detain the petitioner, and to protect him from assault or injury, and in case such petitioner is in the custody of any officer or person upon a warrant to hold petitioner for prosecution in any county court for crime, such State policeman shall take such petitioner from such official, receipting to him for the body of the petitioner.

SECTION 515. When said petitioner shall have been brought into said Superior Court, he shall be entitled to a summary hearing upon his petition before one of the judges thereof; and in case he has been taken from the custody of any officer, he shall, in event his petition is not sustained, be surrendered by the State policeman to the officer from whom he had been taken, and if he has not been taken from the

custody of any officer, he shall, in the event his petition is not sustained, be set at liberty, and the costs of the proceedings shall be taxed against him; in case the petition is sustained by the court, the petitioner shall be remanded to the custody of the Superintendent of State Police for protection, or committed to a proper penal institution, until petitioner may be tried in a court of quarter sessions of the peace or oyer and terminer of some other county, to be selected by the Superior Court, upon such indictment, information, or other charge as may have been or may be made or returned against him, and for the purpose of such trial, such court so selected shall have and possess jurisdiction to try and determine any and all proceedings, upon indictment or information, which may be removed from any other county court under this act.

SECTION 516. If any person shall become an accessory before the fact, to any felony, whether the same be a felony at common law, or by virtue of any act of assembly now in force or hereafter to be in force, such person may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

SECTION 517. If any person shall become an accessory after the fact, to any felony, whether the same be a felony at common law, or by virtue of any act of assembly now in force, or that may be hereafter in force, he may be indicted and convicted as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of

the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished; and the offense of such person, howsoever indicted, may be inquired of, tried, determined and punished, by any court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason of which such person shall have become accessory, had been committed at the same place as the principal felony: Provided always, That no person who shall be once duly tried for any such offense, whether as an accessory after the fact, or as for a substantive felony, shall be liable to be again indicted or tried for the same offense.

SECTION 518. If a bastard child is begotten out of the State and born within the State, or begotten within one of the counties of this State, and born in another, in the latter case the prosecution of the reputed father shall be in the county where the bastard child shall be born, and the like sentence shall be passed, as if the bastard child had been begotten within the same county, and in the former case, viz.: of a bastard begotten without the State and born within it, the like sentence shall be passed, except in the imposition of a fine, which part of the sentence shall be omitted.

ARTICLE VI.—OF THE TRIAL.

SECTION 601. No person shall be placed within the prisoner's bar to plead to an indictment, or be confined therein during his trial; and all persons shall have an opportunity of full and free communication with their counsel.

SECTION 602. Every person indicted for treason shall have a copy of the indictment and a list of the jury and the witnesses to be produced on the trial for proving such indictment, mentioning the names and places of abode of such jurors and witnesses, delivered to him three whole days before the trial.

SECTION 603. No right to stand aside jurors shall exist in any criminal case in this Commonwealth.

The Commonwealth and the defendant shall have the right to challenge for cause as many jurors as either can show legal cause therefor.

In addition to the challenges for cause, the Commonwealth and the defendant shall each be entitled to peremptory challenges as follows:

In all trials for misdemeanors, six challenges.

In all trials for felonies, except those triable exclusively in the courts of oyer and terminer and general jail delivery, eight challenges.

In all trials for felonies triable exclusively in the courts of oyer and terminer and general jail delivery, twenty challenges.

SECTION 604. All challenges shall be conducted as follows: The Commonwealth shall challenge one

person, and then the defendant shall challenge one person, and so alternately until all the challenges shall be made, but in all cases other than those triable exclusively in the courts of oyer and terminer and general jail delivery, the court in which a case is called for trial may by general rule fix a different manner for exercising peremptory challenges in empanelling a jury.

SECTION 605. When a challenge for cause assigned shall be made in any criminal proceeding the truth of such cause shall be inquired of and determined by the court.

SECTION 606. In all cases in which two or more persons are jointly indicted for any offense, it shall be in the discretion of the court to try them jointly or severally, except that in cases of felonious homicide, the persons charged shall have the right to demand separate trials; and in all cases of joint trials the accused shall have the right to the same number of peremptory challenges to which either would be entitled if separately tried, and no more.

SECTION 607. If any person shall be committed for any indictable offense, and shall not be indicted and tried some time in the next term or session of oyer and terminer and general jail delivery or other court, where the offense is properly cognizable, after such commitment the judges or justices thereof shall on the last day of the term, sessions or court, set at liberty the said prisoner upon bail, unless it shall appear to them, upon oath or affirmation, that the wit-

nesses for the Commonwealth, mentioning their names, could not then be produced; and if such prisoner shall not be indicted and tried the second term, session or court after his commitment, unless the delay happen on the application or with the assent of the defendant, or upon trial he shall be acquitted, he shall be discharged from imprisonment: Provided always, That nothing in this act shall extend to discharge out of prison any person charged with treason, felony or other high misdemeanor in any other State, and who by the Constitution of the United States ought to be delivered up to the executive power of such State, nor any person charged with a breach or violation of the law of nations, and provided further, that where by any law or by rule of court promulgated by authority of any law, the terms of court are of less duration than three months, the word "term" contained in this section shall be construed to mean a period of time of three calendar months.

SECTION 608. If on the trial of any person charged with any offense it shall appear to the jury upon the evidence that the defendant did not complete the offense charged, but was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return, as their verdict, that the defendant is not guilty of the offense charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular offense charged in the indictment, and no person so

tried as herein lastly mentioned shall be liable to be afterward prosecuted for an attempt to commit the offense for which he was so tried.

SECTION 609. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before whom such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

SECTION 610. No verdict in any criminal court shall be set aside, nor shall any judgment be arrested or reversed, nor sentence delayed, for any defect or error in the precept issued from any court, or in the venire issued for the summoning and returning of jurors, or for any defect or error in drawing, summoning or returning any juror, or panel of jurors, but a trial, or an agreement to try on the merits, or pleading guilty, or the general issue in any case, shall be a waiver of all errors and defects in, or relative or appertaining to, the said precept, venire, drawing, summoning and returning of jurors.

SECTION 611. No witness in any case who enters his or her recognizance, in such sums as the magistrate

may demand, to appear and testify in such prosecutions as require his testimony, shall be committed to prison by the judge, alderman or magistrate before whom any criminal charge may be preferred: Provided, however, That in all cases triable exclusively in the oyer and terminer, where a positive oath is made, reduced to writing and signed by the deponent, setting forth sufficient reasons or facts to induce the firm belief on the part of the judge, magistrate or alderman that any witness will abscond, elope or refuse to appear upon the trial, the judge, magistrate or alderman may exact bail of said witness to testify.

SECTION 612. Any witness, in any case, who shall be committed, in default of bail, to prison by any judge, alderman, magistrate, justice of the peace, or coroner, to appear and testify in behalf of the Commonwealth, shall be paid out of the treasury of the proper county and the sum of one dollar and fifty cents for each day, or part of a day, such witness shall be detained in prison.

SECTION 613. Whenever any person, being under indictment, charged with murder, shall make and file with the clerk of the court of quarter sessions an affidavit, setting forth that he is wholly destitute of means to employ counsel and prepare for a defense, the judge sitting in the court of oyer and terminer, to whom such affidavit is presented, shall assign to such person counsel, not exceeding two, to represent and defend such person at the trial of the case; and when services are rendered by counsel, pursuant to such assignment, the judge sitting at the trial of the case

may allow such counsel all personal and incidental expenses upon a sworn statement thereof being filed with the said clerk, and also reasonable compensation for services rendered, not exceeding two hundred dollars for each counsel; which allowance of expenses and compensation shall be a charge upon the county in which the indictment was found, to be paid by the county treasurer, or in cities co-extensive with counties, by the city treasurer, upon the certificate of the judge presiding at the trial of the case: Provided, That in order to be entitled to such expenses and compensation, counsel so assigned must file with the judge, sitting at the trial of the case, an affidavit that he has not, directly or indirectly, received, nor entered into a contract to receive, any compensation for such services from any source other than herein provided.

SECTION 614. No alien shall in any criminal case whatsoever be entitled to a jury *de medietate lingue* or partly of strangers.

SECTION 615. All courts of criminal jurisdiction of this Commonwealth shall be and are hereby authorized and required, when occasion shall render the same necessary to order a *tales de circumstantibus* either for the grand or petit jury and all talesmen shall be liable to the same challenges, fines and penalties as the principal jurors.

ARTICLE VII.—OF APPEALS AND OF NEW
TRIALS ON THE GROUND OF AFTER-
DISCOVERED EVIDENCE.

SECTION 701. Every person indicted in any Court of Quarter Sessions of the Peace or in any county Court of Oyer and Terminer and General Jail Delivery or other court of record having jurisdiction may remove by an appeal the indictment and all proceedings thereon, or transcript thereof, into the Supreme or Superior Court, as the case may be, in accordance with the law now existing or which may hereafter be adopted.

SECTION 702. Upon the trial of any indictment in any Court of Criminal jurisdiction the defendant may except to any decision of the court upon any point of evidence or law, or to the charge of the court in like manner as in civil cases and such exceptions shall be noted as in civil cases, and an appeal may be taken to the Supreme or Superior courts as the case may be, after conviction or sentence.

SECTION 703. During the trial upon any indictment, if the court shall be requested by the defendant to give an opinion upon any point submitted and stated in writing, it shall be the duty of the court to answer the same fully and file the point and answer with the record of the case in the same manner and with like effect as in civil cases and the action of the court thereon may be reviewed on appeal by the defendant.

SECTION 704. The appeal shall issue from the Prothonotary's office of the proper district, and all orders, decrees and judgments in the case shall also be entered of record there, but the application and final hearing may be made and had before the Supreme or Superior Court while sitting in any other district.

SECTION 705. All appeals in criminal cases shall be taken within thirty days from the date of sentence in the court below.

SECTION 706. No appeal from the judgment and sentence in any criminal case shall operate as a supersedeas unless so ordered by the court below or by the appellate court, or by a judge thereof, either by a general rule or special order, and upon such terms as may be required by the court or judge granting the order of supersedeas.

SECTION 707. An appeal taken in a criminal case shall be returnable in the Supreme or Superior Court, as the case may be. The return day and time of argument of appeals taken in criminal cases to the Supreme or Superior Court shall be fixed by said courts, respectively, by general rules promulgated from time to time.

SECTION 708. If the appellant shall file in the office of the Prothonotary of the appellate court and in the office of the Clerk of Courts of the proper county at the time the appeal is taken an affidavit that he is destitute and without sufficient means to print the evidence taken upon the trial of the case, it shall be

the duty of the Clerk of Courts to transmit within ten days thereafter to the Prothonotary of the appellate court a true and correct copy of the reporter's transcript of the evidence from the notes taken by him, duly certified by said reporter, and the trial judge, or by one of the judges of the trial court, to the Prothonotary of the Supreme or Superior Court, as the case may be. In any such case it shall be unnecessary for the appellant to print the evidence but he may refer to the said testimony by the page number shown in said transcript.

SECTION 709. When any person indicted for murder to whom counsel has been assigned hereunder has been convicted of murder in the first degree and such counsel shall deem it necessary to appeal to the Supreme Court, a statement of the costs of such appeal, including the cost of printing the paper book, sworn to by such counsel, shall be filed in the office of the Clerk of the Court of Quarter Sessions of the proper county, and such costs shall be paid by the Treasurer of such county, or where any city is co-extensive with such county, by the Treasurer of such city. Such costs shall not be paid unless such statement be accompanied by a certificate of the trial judge setting forth the fact of such appointment of counsel and the fact that such appeal was taken.

SECTION 710. In capital offenses an appeal shall stay execution of sentence, and upon such appeal it shall be the duty of the Supreme Court to review both the law and the evidence and to determine whether the ingredients necessary to constitute murder in the

first degree shall have been proven to exist, and if not so proved, then shall reverse the judgment and remit the record for a new trial or shall enter such judgment as the laws of this Commonwealth require.

SECTION 711. Upon the affirmance by the Supreme or Superior Court of the judgment in any case the same shall be enforced pursuant to the directions of the judgment so affirmed, and the said court may make any further order requisite for carrying the same into effect, and if the Supreme or Superior Court shall reverse any judgment they shall remand the record, with their opinion setting forth the causes of reversal, to the proper court for further proceedings or enter such judgment as the law requires.

SECTION 712. Whenever by petition, supported by after-discovered evidence, it shall be made to appear to the Supreme Court that there is ground for substantial doubt as to the guilt of any prisoner convicted of murder of the first degree, the said court shall have power to authorize the Court of Oyer and Terminer in which such prisoner has been convicted to grant a rule for new trial, *nunc pro tunc*, notwithstanding the expiration of the term in which such prisoner was convicted and sentenced; and thereupon the said Court of Oyer and Terminer may, in its discretion, grant and proceed to hear such rule, as in other cases.

SECTION 713. Upon the termination of the hearing of such rule, if the Court of Oyer and Terminer shall not deem the grounds sufficient, it shall thereupon discharge said rule, and the proceedings shall

terminate, and the judgment and sentence theretofore entered of record shall remain unaffected.

SECTION 714. If said Court of Oyer and Terminer shall be of opinion that, of right and justice, a new trial should be granted, it shall set forth its opinion to that effect, and thereupon the prisoner may bring the opinion, together with the evidence, before the Supreme Court as if upon appeal; and if the Supreme Court shall after hearing, concur with the Court of Oyer and Terminer that of right and justice a new trial should be had, it shall have power to authorize the Court of Oyer and Terminer to make the rule for new trial absolute; and thereupon the case shall proceed in said court as if a new trial had been granted in due course, at the instance of the prisoner during the term.

ARTICLE VIII.—COSTS.

1

SECTION 801. Where any person is brought before a justice of the peace or other magistrate on a charge of having committed a crime and such charge upon examination shall appear to be unfounded, no costs shall be charged against or paid by such innocent person, but the same shall be charged against and paid by the county.

SECTION 802. The costs of prosecution accruing on all bills of indictment, except as hereinafter provided, charging a person with felony, returned ignoramus by the grand jury, shall be paid by the county;

and the costs of prosecution accruing on bills of indictment, except as hereinafter provided, charging a person with felony, shall, if such person be acquitted by the petit jury on the traverse of the same, be paid by the county; and in all cases of conviction of any felony, all costs shall be paid forthwith by the county, unless the person convicted shall pay the same; and in all cases in which the county pays the costs, it shall have the power to levy and collect the same from the person convicted, as costs in similar cases are now collected; and in cases of surety of the peace the costs shall be paid by the prosecutor or by the defendant, or jointly between them, or by the county, as the court hearing the case may direct.

SECTION 803. In all prosecutions, cases of felony excepted, if the bill of indictment shall be returned ignoramus, the grand jury returning the same shall decide and certify on such bill whether the county or the prosecutor shall pay the costs of prosecution; and in all cases of acquittal by the petit jury on indictments for the offenses aforesaid, the jury trying the same shall determine by their verdict whether the county, or the prosecutor, or the defendant shall pay the costs, or whether the same shall be apportioned between the prosecutor and the defendant, and in what proportions; and the jury, grand or petit, so determining, in case they direct the prosecutor to pay the costs, or any portion thereof, shall so state in their return or verdict; and whenever the jury shall determine as aforesaid that the prosecutor or defendant shall pay the costs, the court in which the said determination shall be made shall forthwith pass sen-

tence to that effect and order him to be committed to the jail of the county until the costs are paid unless he give security to pay the same within ten days. Upon the termination of any such prosecution by the bill of indictment being ignored by the grand jury or by the verdict of the traverse jury and sentence of the court thereon, the costs of prosecution shall be immediately chargeable to and paid by the proper county: Provided, That the county shall be liable only for the costs of such witnesses as the District Attorney shall certify were subpoenaed by his order and were in attendance and necessary to the trial of the case.

SECTION 804. In all prosecutions where the petit jury trying the case shall acquit the defendant, and shall determine by the verdict that the costs shall be apportioned between the prosecutor and the defendant, the defendant's bill for his subpoena, serving the same, and attendance of his material and necessary witnesses, shall be included in the costs.

SECTION 805. In all prosecutions for stealing, if the bill of indictment shall be returned ignoramus by the grand jury, they shall further decide and certify whether the county or the prosecutor shall pay the costs of prosecution, and in all cases of acquittal by the petit jury on such indictments the jury shall have power to determine whether the county or the prosecutor or the defendant shall pay the costs, or whether the same shall be apportioned between the prosecutor and the defendant and in what proportion.

SECTION 806. In all prosecutions where the charge is that the person accused unlawfully and maliciously maimed or did serious bodily injury or disfigurement to another, or attempted to commit the crime of murder, or committed any assault which under the law constitutes a felony, if the bill of indictment shall be returned *ignoramus*, the grand jury returning the same, if they believe from the evidence that the prosecutor had no reasonable ground for making the charge of felony, shall decide and certify on such bill whether the prosecutor or the county shall pay the costs of prosecution, and in all cases of acquittal by the petit jury on such indictments where a felony is charged, the jury trying the same, if they shall believe from the evidence that the prosecutor had no reasonable ground for making the charge of felony, shall determine by their verdict whether the county, or the prosecutor, or the defendant shall pay the costs, or whether the same shall be apportioned between the prosecutor and the defendant, and in what proportion.

SECTION 807. Upon the termination of the prosecution in any of the cases mentioned in Sections 805 and 806, the costs of prosecution shall be immediately chargeable to and paid by the proper county, and the county shall have the right and power to levy and collect the same from the person directed to pay them, as costs in similar cases are now collected.

SECTION 808. The costs of the trial for escape or breaking away of convicts and prisoners from the several penitentiaries and reformatories of the Common-

wealth of Pennsylvania, or the violation by said convicts and prisoners of any or all of the penal statutes relating to escape, shall in each instance be borne and paid by the respective counties of the Commonwealth from whose courts the said convicts shall have been committed to the said penitentiaries or reformatories. In case of conviction and sentence of said escaping convicts and prisoners the costs of maintenance of said convicts and prisoners, under such new sentence, shall be borne by the county from which said convict or prisoner shall have been originally committed.

SECTION 809. Where any recognizance has heretofore been or shall hereafter be taken by any competent authority for the appearance of any person or persons, charged with any criminal or other offense, before any court, judge, justice of the peace or other magistrate, to answer such charge or offense, or to appear before any court, judge, justice of the peace or other magistrate for further hearing, and such recognizance shall be forfeited on account of the person or persons so charged failing to comply with the condition therein, and the same shall be recovered in any manner whatsoever and paid to the proper authorities as required by law, the proper county shall pay all costs which have accrued or shall accrue in any criminal action or other proceedings in which such recognizance has heretofore or shall be given: Provided, however, That in no case shall the amount of costs so paid exceed the amount recovered on such recognizance and paid to such county.

SECTION 810. Whenever a nolle prosequi shall be entered in any criminal proceedings, the court may

make an order directing the county to pay the costs already made in such proceeding, and which order shall be sufficient authority for the payment of the same by the county: Provided, That the provisions of this section shall not apply to costs for the attendance or subpoenaing of defendant's witnesses, nor to any proceeding where the costs could not be charged upon the county by verdict of the jury.

SECTION 811. Whenever the verdict of a jury imposing costs upon the prosecutor or defendant in any criminal proceeding shall be set aside by the court, it shall be lawful for the court to make an order directing the county to pay the same, which order shall be sufficient authority for the payment of the same by the county: Provided, That the provisions of this section shall not apply to costs for the attendance or subpoenaing of defendant's witnesses.

SECTION 812. When the record in any criminal case shall have been removed by writ of *certiorari*, or otherwise, to the Supreme or Superior Court for review, and shall have been therein disposed of, the necessary expenses of the District Attorney in connection therewith, including the costs of printing, traveling and incidental expenses, shall be paid by the proper county upon the approval of the same by the District Attorney.

SECTION 813. In all criminal cases where a defendant or prosecutor is adjudged to pay the costs of prosecution, he shall, unless the grand or petit jury direct otherwise, pay, with the other costs of prosecu-

tion, the sum of four dollars for the use of the county, to be taxed in the bill of costs.

SECTION 814. The costs of the officers, including the costs of the justice of the peace and constable, in all cases of wife desertion and surety of the peace, shall be chargeable to and paid by the proper county as soon as the case is disposed of by the order of the court; and it shall be the duty of the District Attorney and County Commissioners to use all due diligence to collect such costs from the party made liable therefor by the sentence or order of the court, and to pay the same into the county treasury.

SECTION 815. The County Commissioners, upon the order of the Court of Quarter Sessions or other court of record having jurisdiction or, in vacation, by a law judge thereof, in the exercise of its or his discretion, and upon such terms as the court or judge may impose, may discharge from prison, without the delay and expense of any proceedings under the insolvent laws of this Commonwealth, every convict who shall have served his term of imprisonment, or who shall have been committed for non-payment of costs only; or any person who shall have failed to comply with the order of the said court upon conviction of either fornication or bastardy, or both, and has been confined for a period of more than three months; notwithstanding that such person has not paid the costs of prosecution, fine, made restitution, paid the value of stolen goods or property, or failed to comply with the court's order, or both: Provided, That in the opinion of said commissioners such person is unable to comply with

the said order or orders, and, provided, that such discharge shall not prevent the Commonwealth or any person interested in such payment or restitution from recovering the same from the property of such person by proper action; but no such person shall be so discharged until he shall have made, under oath or affirmation, schedules in duplicate of all his property, real, personal or mixed, and shall have filed one copy thereof among the papers of the prison wherein he is confined and the other with the Clerk of the Court.

SECTION 816. In all cases where two or more persons have committed an indictable offense, the names of all concerned (if a prosecution shall be commenced) shall be contained in one bill of indictment, for which no more costs shall be allowed than if the name of one person only was contained therein.

SECTION 817. In instituting criminal prosecutions against any person charged with the commission of a criminal offense or offenses, committed at one and the same time, or growing out of one and the same prosecution where one complaint or information is legally sufficient to serve and promote the due administration of justice, it shall be unlawful to duplicate the complaints, informations, warrants and subpoenas, and where such duplication occurs costs shall be taxed upon one complaint, information and subpoena only.

SECTION 818. In all cases where any matter of general public import shall, as authorized by law, be given in charge to a grand jury for investigation, by

any Court of Quarter Sessions of the Peace of any county within this Commonwealth, all costs which may accrue for subpoenas, the service thereof upon witnesses, and the *per diem* fees and mileage of witnesses required by the court to attend or testify before any such grand jury, shall be paid by the proper county, or taxed and paid as other costs on the part of the Commonwealth, in any criminal prosecution which may arise out of such investigation, where the testimony of the witness is material in the support of the charge contained in the indictment therein, as the District Attorney, subject to the approval of the court, may authorize and direct.

SECTION 819. All necessary expenses incurred by the district attorney of any county of this Commonwealth, or by his assistants, or any officer directed by him, in the investigation of crime and the apprehension and prosecution of persons charged with or suspected of the commission of crime, shall be paid by the county upon the approval of the bill of expense by the district attorney and the court of quarter sessions of the county. Such expenses so incurred and approved shall be considered part of the costs of the case in the event that a prosecution is instituted which results in the conviction and sentence of a defendant to pay the costs.

ARTICLE IX.—SENTENCES AND JUDGMENTS.

SECTION 901. Every person, his aiders, abettors and counsellors, convicted of the crime of murder of the first degree, shall be sentenced to suffer death in the manner herein provided, and not otherwise. Such punishment, in every case, must be inflicted by causing to pass through the body of the convict a current of electricity of intensity sufficient to cause death, and the application of such current must be continued until such convict is dead. The said punishment shall be inflicted by the warden or deputy warden of the Western Penitentiary, or by such person as the warden shall designate, and shall be inflicted in a building on the land owned by the Commonwealth in Centre County, whereon the buildings of the Western Penitentiary are built.

SECTION 902. Whenever any person shall have been convicted and sentenced to death, the clerk of the court where such conviction shall have taken place shall transmit to the Governor of the Commonwealth and to the Board of Pardons a full and complete transcript of the record of such trial and conviction, within thirty days after sentence, or, in the event of an appeal, within twenty days after the final disposal of the cause upon such appeal.

SECTION 903. After the receipt of the said record the Governor of the Commonwealth shall issue his warrant directed to the warden of the Western Penitentiary commanding said warden to cause such con-

vict to be executed in said penitentiary, within the week to be named in said warrant, and in the manner prescribed by law.

SECTION 904. Upon the receipt of such warrant the said warden shall, by a written notice under his hand and seal, duly notify the officer having the custody of such convict to deliver such convict to the custody of such warden, and it shall be the duty of such officer to forthwith cause such delivery to be made. Thereupon, and until the penalty of death shall be inflicted, or until lawfully discharged from such custody, said convict shall be kept in solitary confinement in said penitentiary. During such confinement no person except the officers of such penitentiary, the counsel of such convict, and a spiritual adviser selected by such convict, or the members of the immediate family of such convict, shall be allowed access to such convict without an order of said court or a judge thereof.

SECTION 905. No person except the following shall witness any execution under the provisions of this act—the warden of the penitentiary where such execution takes place, a qualified physician, six reputable adult citizens selected by such warden, one spiritual adviser, when requested and selected by the convict, not more than six duly accredited representatives of the daily newspapers, and such officers of said penitentiary as may be selected by said warden.

SECTION 906. After such execution the warden of the Western Penitentiary shall certify in writing, un-

der oath or affirmation, to the court of oyer and terminer of the county wherein such convict has been sentenced to death, that such convict was duly executed at the place and in the manner prescribed in this act, and at the time designated in the death warrant of the Governor. Such certificate shall be filed in the office of the clerk of such court.

SECTION 907. Immediately after execution, a post-mortem examination of the body of the convict shall be made by the physician present at the execution, and his report, in writing, stating the nature of the examination so made by him, shall be annexed to the certificate hereinbefore named and filed therewith. After such post-mortem examination the body, unless claimed by some relative or relatives of the person so executed, shall be delivered to the duly authorized agent of the State Anatomical Board.

SECTION 908. The cost and expense incident to any such execution and such post mortem examination shall be paid from the contingent fund of the Western Penitentiary.

SECTION 909. The Board of Inspectors of the Western Penitentiary shall have power to erect and repair appropriate buildings located at such place on the ground of the new Western Penitentiary, in Centre county, as they shall select and they shall have power to construct and repair in said building such electrical apparatus, machinery and appliances as may be suitable and sufficient to execute condemned criminals in the manner prescribed herein.

SECTION 910. Whenever any person, convicted in any court of this Commonwealth of any crime, shall be sentenced to imprisonment in any penitentiary of the State, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term; stating in such sentence the minimum and maximum limits thereof; and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense: Provided, That no person sentenced for an indeterminate term shall be entitled to any benefits of commutation of sentence herein provided for.

SECTION 911. The clerks of the several courts of criminal jurisdiction of this Commonwealth shall, not later than the twentieth day of each month, forward to the wardens of the State penitentiaries a list of all convicts whom the courts have committed to those institutions on the indeterminate plan the previous month, stating maximum and minimum sentence of each. The following information shall also be added: The full name of the convict, together with any alias which such convict may be known to have, the name of the county where the conviction was had, a brief description of the crime of which the convict was convicted, the name of the court in which the conviction was had, the name of the trial judge, the date of commitment, and the name of the penitentiary to which committed, the number of times, if any, that the convict has been in prison, the location of the said prison, and for what offenses: Provided, That in every case

in which stenographic notes of testimony were taken at the time of the trial, a copy of such notes of testimony shall likewise accompany such record.

SECTION 912. The Board of Inspectors of each state penitentiary shall meet once each month at its respective penitentiary. At each meeting of the said boards, held as aforesaid, every prisoner confined in such penitentiary upon an indeterminate sentence, whose minimum term of sentence will expire within three months,, shall be given an opportunity to appear before such board, and apply for his release on parole, as hereinafter provided.

SECTION 913. If it shall appear to the Board of Inspectors of any penitentiary in which a convict is imprisoned, upon an application by a convict for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the law, then said Board shall recommend to the Governor that such convict be released on parole, subject to such rules and regulations for such convict as said board may prescribe, until the expiration of the maximum limit of the sentence imposed on such convict; and shall send to the Governor a report of such convict, which report shall contain the following, namely: The full name of the convict, together with any alias which such convict may be known to have, the name of the county where such conviction was had, a brief history of the crime for which convict was sentenced, the name of the court in which the conviction was had, the name of the judge who sentenced the convict, with the sentence and the

date thereof, the date of the reception of the convict, a recommendation as to commutation, together with the date for release from the penitentiary, if allowed.

SECTION 914. If any convict released on parole shall, during the period of parole, be convicted of any crime punishable by imprisonment under the laws of this Commonwealth, and sentenced to any place of confinement other than a penitentiary, such convict shall, in addition to the penalty imposed for such crime committed during the said period, and after expiration of the same, be compelled, by detainer and remand as for an escape, to serve in the penitentiary to which said convict had been originally committed the remainder of the term (without commutation) which such convict would have been compelled to serve but for the commutation authorizing said parole, and if not in conflict with the terms and conditions of the same as granted by the Governor; but, if sentenced to a penitentiary, then the service of the remainder of the said term originally imposed shall precede the commencement of the term imposed for said crime.

SECTION 915. In any case where a Board of Prison Inspectors does not recommend the release on parole of a convict at the termination of the minimum term for which such convict may have been sentenced, such board shall report in writing to the Governor its reasons, in details, for not having made such recommendations.

SECTION 916. Each said Board of Inspectors shall appoint one or more officers, to be known as parole

officers, for its respective penitentiary, who shall carefully look after the welfare of all persons who have been paroled from said penitentiary, and report to the said boards, respectively, upon the conduct of such persons, at such times and in such manner as may be required by said boards: Provided, That no convict shall ever be under the charge, management, or supervision of a probation officer of the opposite sex. The salaries of the said parole officers, together with the expenses actually incurred by them in the discharge of their duties, shall be paid out of the appropriations to the said penitentiary with which they are connected.

SECTION 917. If it shall appear to the Board of Inspectors of any penitentiary, from which a convict has been released on parole, that there is a reasonable probability that such convict will live and remain at liberty without violating the law, and that it will be to the advantage of such convict that he be released from the terms of his parole, then, upon the application of such convict released upon parole, it shall be the duty of the said board to recommend to the Governor that such convict be pardoned absolutely.

SECTION 918. Whenever it shall appear to the Board of Inspectors of a penitentiary that a person released on parole has violated the terms of his parole, the secretary of said Board of Inspectors may issue a warrant for the arrest of said person, in the same manner as in the case of an escaped convict. Upon said convict being returned to the penitentiary, he shall be given an opportunity to appear before its Board of Inspectors, and, if said board shall find that

said parole has not been broken, the prisoner shall be released and continue subject to the terms of said parole; but, if it be found that said parole has been broken, said board shall declare such convict delinquent; after which a full report of the said case shall be forwarded immediately to the Governor, who thereupon may issue his mandate, reciting the date of commutation, for the recommitment of such convict for breach of parole, to the penitentiary of original commitment, to be imprisoned in said penitentiary for the remainder of a period equal to the unexpired maximum term of such prisoner as originally sentenced (computing the same from the date of arrest for breach of parole), unless sooner released on parole or pardoned; but, if the Governor shall disapprove the finding of the Board of Inspectors, the said prisoner shall be released upon the conditions of his original parole.

SECTION 919. Authority is hereby conferred upon the Boards of Inspectors of all State penitentiaries to establish all the rules and regulations necessary to carry the provisions of this article into effect: Provided, That no rule or regulation shall be established or adopted relating to the discharge of a convict on parole, who has just served the minimum sentence for his or her first offense, that will compel him to file any bond for the fulfillment of the requirements of his discharge upon parole, other than his own recognizance, or to secure any sponsor for his behavior. To secure uniformity in these rules and regulations, the said boards shall be convened by the Governor,

in joint session, from time to time when deemed necessary.

SECTION 920. Any convict in the State penitentiaries, who is now serving under a sentence or sentences imposed prior to the first day of July, one thousand nine hundred and eleven, may, when he shall have served one-third of such sentence or sentences, be eligible to parole under the provisions and subject to the conditions of this act.

SECTION 921. Whenever a person shall be sentenced to imprisonment for a period of less than one year, the imprisonment shall be had and performed in the jail of the county where the conviction shall take place or in a suitable prison in said county where suitable prisons have been provided for such imprisonment; Provided, however, that where existing laws applying to any county permit the imprisonment of persons there convicted in a suitable prison in some other county of the state, the imprisonment may be there performed if the court shall so direct.

SECTION 922. All persons sentenced to imprisonment in any penal institution of this Commonwealth may be required to perform such labor as the board of managers or other board or governing body in charge of such penal institution may require under the rules thereof. In the event that such labor is performed in the custody of the Sheriff about county buildings or upon the ground and property of the county, the County Commissioners are authorized to allow and pay from the moneys of the county to the

Sheriff for his services in guarding such prisoners while so employed, compensation not to exceed twenty-five cents per hour.

SECTION 923. Whenever any person shall be sentenced to imprisonment for a period of one year or more, the sentence shall be either an indeterminate sentence to the penitentiary of the proper district as hereinbefore provided or a definite sentence to a county prison or county workhouse, authorized by law to receive such convict, and the court shall have power in the latter case to fix the term of said imprisonment not to exceed the term fixed by statute for said offense; Provided, however, that persons convicted of murder of the second degree and voluntary manslaughter shall not be sentenced to the said county prisons or workhouses.

SECTION 924. Every convict confined in any county prison, workhouse, or county jail in this state, on a conviction of crime, where the term or terms equals or exceeds one year, exclusive of life imprisonment or any term which may be imposed by the court or by statute as an alternative to the payment of a fine, may, if the governor shall so direct, and with the approval of the Board of Inspectors or managers, earn for himself a commutation or diminution of his sentence or sentences as follows, namely: Two (2) months for the first year, three (3) months for second year, four (4) months each for the third and fourth years, and five (5) months for each subsequent year. And for every fractional part of a year the said convict may earn the same rate of commutation as is pro-

vided for the year in which said fractional part occurs; Provided, however, That this section shall not included sentences for an indeterminate term as hereinbefore provided.

SECTION 925. When any convict in any county prison, workhouse or county jail in this state is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term, for the purpose of estimating the amount of commutation to which he may be entitled hereunder.

SECTION 926. On any day not later than the twentieth day of each month the board of inspectors or managers, or the warden, superintendent, or keeper of each of the county prisons, workhouses, or jails of this state, shall forward to the governor a report of any convict or convicts who may be discharged the following month by reason of the commutation of his sentence or sentences, which shall contain the following information, namely: The full name of the convict, together with any alias which he may be known to have; the name of the county where the conviction was had; a brief description of the crime of which the convict was convicted; the name of the court in which the conviction was had; the name of the presiding judge; the date of the sentence; the date of the reception in the prison; the term and fine; the amount of commutation recommended, and the date for discharge from the prison, workhouse or jail, if allowed.

SECTION 927. The governor shall in commuting the sentences of convicts, annex a condition to the

effect that if any convict so commuted shall, during the period between the date of his discharge by reason of such commutation and the date of the expiration of the full term for which he was sentenced, be convicted of any felony, he shall, in addition to the penalty which may be imposed for such felony committed in the interval, as aforesaid, be compelled to serve in the prison or workhouse in which he may be confined for the felony for which he is convicted, the remainder of the term, without commutation, which he would have been compelled to serve but for the commutation of his sentence hereinbefore provided for.

SECTION 928. The boards of inspectors or managers of the county prisons, workhouses and county jails in this state shall meet once every month, before the date fixed for the transmission of their report to the governor, as hereinbefore provided, and proceed to determine the amount of commutation which they shall recommend to be allowed to any convict, which shall not in any case exceed the amount fixed by this act. They shall have full discretion to recommend the withholding of the allowance of commutation for good conduct or of a part thereof, as a punishment for offenses against the discipline of the prison, workhouse or county jail, or for any attempt to escape therefrom.

SECTION 929. In all cases, however, where the board shall recommend the withholding of the allowance of the whole or any part of the commutation for good conduct, they shall forward with their report to the governor their reasons, in writing, for such disal-

lowance, and the governor may, in his discretion, decrease or increase the amount of commutation as recommended by the said board, but he shall not increase the same beyond the amount fixed herein.

SECTION 930. Upon the receipt of any convict in any prison or county jail in this state, who shall be entitled to the benefits of commutation hereunder, the provisions of the same shall be read to him, and the meaning of the same shall be fully explained to him by the clerk of the prison, workhouse or jail.

SECTION 931. The Governor shall not, except in cases where only the payment of a fine is imposed as the penalty upon conviction, execute any of the powers herein granted unto him to release on parole from a penitentiary or to grant commutation of sentence in a jail, prison or workhouse until the Lieutenant Governor, Secretary of the Commonwealth, Attorney General, and the Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, according to such rules as they shall provide, shall have recommended the said commutations of sentences.

SECTION 932. Whenever any person shall be convicted in any court of this Commonwealth of any crime, except murder, administering poison, kidnapping, incest, sodomy, sedition, pandering, rape, attempted rape, arson, robbery or burglary, and it does not appear to the said court that the defendant has ever before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for

juvenile delinquents shall not be considered imprisonment), and where the said court believes that the character of the defendant and the circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and that the public good does not demand or require that the defendant should suffer the penalty imposed by law, the said court shall have power to suspend the imposing of the sentence and place the defendant on probation for a definite period, on such terms and conditions as it may deem right and proper, said terms and conditions to be duly entered of record as a part of the judgment of the court in such case.

SECTION 933. In any case where a fine only or the costs of prosecution is imposed, and the defendant might be imprisoned until such fine be paid, the court may direct, as one of the terms of the probation, that such fines shall be paid in certain instalments at certain times: Provided, however, That upon payment of the fine, judgment shall be satisfied and probation cease.

SECTION 934. Whenever the court may deem it necessary and desirable, it may appoint a discreet person to serve as probation officer, and such assistants to the probation officer as the court may deem necessary, for the performance of such duties as the court shall direct. The salary of such probation officer shall be determined by the court, and, together with the necessary expenses incurred while in actual performance of duty, shall be paid by the county, upon vouchers approved by the court and county commis-

sioners. In no case however shall a defendant be committed in the custody of a probation officer of the opposite sex.

SECTION 935. Whenever a person placed on probation, as aforesaid, shall violate the terms of his probation, he shall be subject to arrest in the same manner as in the case of an escaped convict; and shall be brought before the court which released him on probation, which court may thereupon pronounce upon such defendant such sentence as may be prescribed by law, to begin at such time as the court may direct.

SECTION 936. Whenever it is the judgment of the court that a person on probation has satisfactorily met the conditions of his probation, the court shall discharge such defendant and cause record thereof to be made: Provided, That the length of such period of probation shall not be more than the maximum term for which the defendant might have been imprisoned.

SECTION 937. The judges of the courts of quarter sessions and the courts of oyer and terminer or other courts of record having jurisdiction of the several judicial districts of the Commonwealth are authorized, after hearing in open court after notice to the District Attorney ten days in advance thereof, to release on parole any convict confined in the county prison, jail, workhouse or house of detention of their respective districts, and place him in charge of and under the supervision of a designated probation officer; and shall have the power to recommit to prison, jail, workhouse or house of detention, on cause shown

by such probation officer that such convict has violated his parole, and to reparole if, in the judgment of the said judge, there is a reasonable probability that the convict will be benefited by again according liberty to him; and also to again recommit for violation of such parole. This power shall not extend beyond the limit of the sentence which shall have been first imposed upon the prisoner.

SECTION 938. Where any person has been or shall be convicted of any felony, not punishable with death, or any misdemeanor punishable with imprisonment, and has endured or shall endure the punishment to which such offender has been or shall be adjudged for the same, the punishment so endured shall have the like effects and consequences as a pardon by the governor, as to the felony or misdemeanor whereof such person was so convicted: Provided, That nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony or misdemeanor and, that the provisions of this section shall not extend to the case of a person convicted of wilful and corrupt perjury.

SECTION 939. On all convictions for robbery, burglary or stealing of any goods, chattels, or other property made the subject of stealing by the laws of this Commonwealth or for otherwise unlawfully and fraudulently taking or obtaining the same, or of receiving such goods, chattels or other property, knowing the same to be stolen, the defendant shall, in addition to

the punishment heretofore prescribed for such offenses, be adjudged to restore to the owner the property taken, or to pay the value of the same, or so much thereof as may not be restored. And on all convictions on any indictment for forgery, for uttering, publishing or passing any forged or counterfeit coin, bank notes, check or writing, or any indictment for fraudulently, by means of false pretenses, obtaining the signature of another to any written instrument with intent to defraud, the defendant, in addition to the punishment hereinbefore prescribed for such offenses, shall be adjudged to make similar restitution, or other compensation, as in case of stealing, to the persons defrauded: Provided, That nothing herein shall be so construed as to prevent the party aggrieved, and to whom restitution is to be awarded, from being a competent witness on the trial of the offender.

SECTION 940. In all cases of felony it shall and may be lawful for any person injured or aggrieved by such felony, to have and maintain his action against the person or persons guilty of such felony, in like manner as if the offense committed had not been feloniously done; and in no case whatever, shall the action of the party injured, be deemed, taken or adjudged to be merged in the felony, or in any manner affected thereby.

SECTION 941. The imprisonment awarded as part of the punishment of any offender shall not stop or avoid the awarding or taking out of execution to levy such respective sums recovered against them as such offenders refuse or neglect to pay. Writs of execution may issue in the same form as such writs are now

awarded out of the courts of common pleas, and shall be directed to the sheriff or coroner of the proper county requiring him to levy the sums due upon such recoveries as aforesaid of the lands and tenements, goods and chattels, of such offenders, returnable to the next term or session of the court where such conviction was had. It shall be the duty of said sheriff or coroner to execute the said writs in the same manner that writs of execution awarded out of the courts of common pleas are executed, and to sell the lands, goods and chattels levied upon under said writs and to convey the same at any sale held by virtue thereof. Such sales shall be as valid and effectual in law as any other sales of land taken and sold for the payment of debts by virtue of writs of execution awarded out of the courts of common pleas or other courts of record having jurisdiction in the respective counties.

SECTION 942. In addition to the remedy in the next preceding section provided, any order, sentence, decree or judgment for the payment of any money whatsoever, made or entered by any court of criminal jurisdiction of this Commonwealth, in any matter or thing within the jurisdiction of the said court, may be certified to any court of record of civil jurisdiction of the same county, and be entered and indexed in the said court as a judgment with like force and effect as if the same had been recovered therein as a judgment of the latter court.

SECTION 943. When said order, sentence, decree or judgment is entered as a judgment in the court of record of civil jurisdiction, aforesaid, the same may be revived by *scire facias et quare executionem non*, and

be collectible by writs of *feri facias*, *venditioni exponas* to other counties, to sell real and personal estate, and by alias, pluries and such other writs of execution as shall be necessary to collect said judgment, which writs, aforesaid, shall issue in the same manner and be of like force and effect for the sale of personal and real estate as if the said judgment had been originally recorded in the said court, except that the defendant in any such writs shall not be entitled to the benefit of any exemption laws.

SECTION 944. When any person shall have been convicted of fornication and bastardy, and sentenced by any court of competent jurisdiction to pay to the mother of any bastard child any sum or sums of money for the support of such child, it shall be lawful for the mother of such child to file, in a court of record of civil jurisdiction of the county in which such conviction shall have been had, a copy of such sentence, certified by the clerks of the proper court and under the seal thereof; upon which copy, so filed, the prothonotary of the court of record of civil jurisdiction shall enter judgment in favor of the mother and against the defendant, for the full amount of the said sentence, payable in the instalments therein provided, with interest thereon from the time they shall respectively become due, and costs of suit.

SECTION 945. If default be made in the payment of any such instalments, and continue for five days, a writ of *feri facias* may issue for the collection of all past due instalments, and no exemption of property from levy and sale shall be allowed.

SECTION 946. In addition to the writ of *feri facias*, above provided, an attachment execution may be issued, and in addition to such rights and credits as are now attachable, wages and salaries may also be attached thereon, and no exemption of any money, rights, or credits attached thereby shall be allowed.

SECTION 947. The said writs, either or both, may be issued as often as default occurs, until the whole judgment be paid and the defendant shall be liable for all costs on any of said writs when properly issued.

SECTION 948. Whenever in any proceedings brought against any man, wherein it is charged that he has, without reasonable cause, separated himself from his wife or children, or from both, or has neglected to maintain his wife or children; or in any proceedings where any father of an illegitimate child has neglected to comply with the order of court made against him, in fornication and bastardy proceedings, or in any other proceedings for the support of such child, for the payment to the mother of expenses incurred at the birth of the child; or in any proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves—the court having jurisdiction shall commit the defendant to imprisonment, for want of a bond with security; or, otherwise, the court may order the defendant to be imprisoned at hard labor under existing laws, or laws that may hereafter be passed, in such penal or reformatory institution in this Commonwealth as the court shall direct; or the court may

discharge a defendant upon his own recognizance, in custody of a desertion probation officer or other person, subject to such conditions as the court may, in its discretion, impose.

Whenever any defendant shall be ordered to be imprisoned at hard labor, there shall be paid by the official in charge of the penal or reformatory institution in which such defendant is imprisoned, to the person designated in the order of the court as the proper recipient of such money, to be disbursed by the said recipient as the order of the court may direct. the sum of sixty-five cents for each day, Sundays and legal holidays only excepted, during which he remains imprisoned. Such sum shall be paid as wages and shall be paid at such times and in such manner as other wages are paid by cities and counties, and shall be charged as one of the general running expenses of such institution; and, if the labor done in such institution is not sufficient to pay the running expenses of such institution such sum shall be charged to and paid by the county from which such defendant was committed.

SECTION 949. If the defendant in any such proceeding shall violate the terms of the order of court, the court may issue an attachment upon the petition of such defendant's parent, wife, child, or children, or of any other person or persons having knowledge of the facts.

In case of the forfeiture of a bail-bond in any such proceedings, the court may order that any sum collected, by suit or otherwise, shall be paid, in whole or in part, to such parent, wife, child, or children. In case of the forfeiture of any bond or recognizance

with or without surety, given as security under any order of court, any sum collected thereon, by suit or otherwise, shall be paid to such parent, wife, child, or children. Such payment shall not bar or in any way affect the power of the court to enforce its orders against the defendant by attachment or otherwise.

SECTION 950. In prosecutions under Section 192 of the Penal Code of 1925 where before the trial, with the consent of the defendant indorsed on the bill of indictment, as now provided by law, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the fine therein provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability and earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court, from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for such time and to such person as the court may direct; and the court shall have the power to suspend the sentence herein provided, and release the defendant from custody on probation, in manner provided by "An act for relief of wives and children deserted by their husbands and fathers within this Commonwealth," approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-seven, and the supplements thereto; provided that the defendant has entered into a recognizance, in such sum, with or without surety, as the court shall direct, for compliance with such order.

SECTION 951. Whenever a parent is paying for the support of a child, under an order of court made

in any other proceeding, civil, criminal, or quasi-criminal, said parent shall not be subject to proceedings for support for the same child hereunder. Provided, however, That if said parent, as defendant in such other proceedings, has failed to obey such order of court, said parent shall be subject to all the provisions hereof.

SECTION 952. All fines imposed upon any party, by any court of criminal jurisdiction, shall be decreed to be paid to the Commonwealth; but the same shall be collected and received, for the use of the respective counties in which such fines shall have been imposed as aforesaid, as is now directed by law.

SECTION 953. It shall be the duty of the wardens or keepers of the state penitentiaries of this Commonwealth to receive into the prison under their charge, on the order or warrant of the governor, any person convicted of any crime punishable with death, whose sentence shall have been commuted by the governor, on condition of being confined for life in one of the state penitentiaries, and to keep and confine such persons safely, as is by law provided for the keeping and confinement of convicts sentenced to imprisonment in the penitentiaries of this Commonwealth, and subject to the laws and regulations providing therefor; and it shall be the duty of the sheriff of the county in which such person was condemned, on the receipt of such order or warrant of the governor, to immediately convey such person to the state penitentiary at the cost of such county, and deliver said order or warrant to the warden or keeper of said penitentiary: Provided. That the persons convicted in any of the counties

composing the eastern district, and whose sentences may be commuted, shall be confined in the state penitentiary of said district, and those convicted in any of the counties composing the western district, and whose sentences may be commuted, shall be confined in the state penitentiary of said district.

SECTION 954. Whenever any person, duly convicted of crime in the Commonwealth, has been or shall be sentenced under the provisions of a law declared unconstitutional, the court declaring said law unconstitutional shall not discharge said convict; but shall remand said convict to the court before which said convict was tried, for sentence under the provisions of the law in force at the time of the commission of the crime of which said convict stands convicted.

SECTION 955. The court of quarter sessions of the county wherein any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners is located is hereby authorized and empowered, and shall, upon petition being presented to it by the board of inspectors, if there be such board, otherwise the superintendent or official in charge of such penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners cannot, by reason of overcrowded condition or other existing conditions, furnish proper and sufficient accommodations for the care, custody, control, and safety of the inmates thereof, and that it is requested that a certain number of inmates, set forth in such petition, should be transferred therefrom, to make an order authorizing and directing the said board of

inspectors, if there be such board, otherwise the superintendent or official in charge, to transfer to another prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners such person or persons who the board of inspectors, if there be such board, otherwise the superintendent or official in charge, shall specify and designate. Said petition for transfer shall in all cases designate the penitentiary, prison, house of correction, workhouse, or other institution for adult prisoners, within the county, to which the said prisoner is to be transferred, save in such cases where such county shall not have sufficient accommodation for the care, custody, and control of such prisoner, in which event said petition for transfer shall specify the institution in the county nearest to the county in which the prisoner is confined; and in the event of the overcrowded condition or other existing condition of such penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners be remedied so that it shall again be able to furnish proper and sufficient accommodations for the care, custody, control, and safety of inmates thereof, said court of quarter sessions of the county wherein the said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners is located is hereby authorized and empowered, upon petition being presented to it by the said board of inspectors, if there be such board, or by the superintendent or other official in charge, to retransfer to said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners any or all inmates heretofore transferred under the terms of this act.

SECTION 956. That said petition shall set forth the names of the persons whom the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, deem it advisable to transfer or retransfer, the date of their commitment, and the term for which they were sentenced, and shall further set forth the reasons for which authority is desired to transfer or retransfer the persons therein named. A copy of such petition shall be sent, by registered mail, to the county commissioners of the county from which the prisoner was committed as well as the county commissioners of the county to which the prisoner is transferred or retransferred.

SECTION 957. That it shall be the duty of the warden, sheriff, superintendent, board of managers, or board of inspectors of such institution to which transfer or retransfer is desired to be made to accept and receive the person or persons named in said order of the court to be transferred, and thereafter, in safe custody, to keep and provide for such persons, transferred or retransferred, until the expiration of the term of imprisonment as set forth in the said commitment, in accordance with law.

SECTION 958. Such person or persons as may be so transferred or retransferred shall be subject to the same term of imprisonment as that imposed upon them at the time of sentence under law, as attached to sentence at the time the same was imposed, either as to parole or as to commutation by reason of good behavior. The expense of transferring, retransferring, and keeping such prisoners so transferred or retransferred shall continue to be borne by the county in

which such person was convicted, and the same shall be paid to the authorities having charge of the transferred or retransferred prisoner by the said county from time to time as bills are rendered.

SECTION 959. It shall be the duty of the warden or keeper of the prison or institution to which a prisoner is transferred or retransferred immediately, upon such transfer or retransfer, to give notice, in writing, of the transfer or retransfer, to the county commissioners of the county in which the prisoner was sentenced and to the clerk of the courts which sentenced the prisoner, who shall file and enter the same of record.

SECTION 960. If any person convicted under Section 74 of the Penal Code of 1925 be a prostitute, the imprisonment there provided may, at the discretion of the Court, be by commitment to and confinement in a public or private institution in this Commonwealth adapted to the proper control of prostitutes, approved by the State Department of Health and State Department of Public Welfare. In no case shall the person convicted be committed to a religious institution other than of her own faith, if any faith is professed by her. All institutions accepting persons for commitment under the provisions of this section shall, at all times, be open to State inspection as far as the welfare of the persons so committed is concerned.

ARTICLE X.—GENERAL PROVISIONS.

SECTION 1001. In every case in which it shall be given in evidence on the trial of any person charged with any offense that such person was insane at the time of the commission of such offense, and he shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offense, and to declare whether he was acquitted by them on the ground of such insanity; and if they shall so find and declare, the court or judge before whom such person is tried shall have the power to order him to be kept in strict custody in a hospital for mental diseases in the manner provided in the Act of July 11, 1923, P. L. 998, called the "Mental Health Act of One Thousand Nine Hundred and Twenty-three," and shall be subject to all the provisions of said act.

SECTION 1002. When any person indicted for an offense is called upon to plead or appears before the Court for trial, and it shall appear to the Court that such person is insane or in such condition as to make it necessary that he be observed or cared for in a hospital for mental diseases, proceedings for the commitment of such person to such hospital shall be had in the manner provided for in Sections 303, 304 or 307 of the Act of July 11, 1923, P. L. 998, called the "Mental Health Act of One Thousand Nine Hundred and Twenty-three" upon the application of some person to be designated by the Court, and after said commitment such person shall be subject to all the provisions of said Mental Health Act of One Thousand Nine Hundred and Twenty-three.

SECTION 1003. The expense of an examination, including the fees of physicians and commissioners and all costs incident to such commitment and maintenance, shall be paid by the county wherein the indictment was found.

SECTION 1004. Insane prisoners, whether detained in prison awaiting trial or undergoing sentence, or detained for any other reason, may be removed to hospitals in the manner provided and under the terms and conditions set forth in Section 308, Article III, of the Act of July 11, 1923, P. L. 998, called "Mental Health Act of One Thousand Nine Hundred and Twenty-three," and subject to all the other provisions of said act applicable to them.

SECTION 1005. In every case in which any person charged with any offense shall be brought before the Court to be discharged for want of prosecution and it shall appear to the Court that such person is insane or in such condition as to make it necessary that he be observed or cared for in a hospital for mental diseases, proceedings for the commitment of such person to such hospital shall be had in the manner provided for in Section 307 or Section 303 of the Act of July 11, 1923, P. L. 998, called the "Mental Health Act of One Thousand Nine Hundred and Twenty-three," and all the provisions of said act relating to his confinement and discharge shall be applicable to him.

SECTION 1006. The estate and effects of every such insane person shall, in all cases, be liable to the county for the reimbursement of all costs and expenses

paid by such county in pursuance of such order; but if any person acquitted on the grounds of insanity shall have no estate or effects, the county shall be liable for all costs and expenses as aforesaid, in accordance with the Mental Health Act of One Thousand Nine Hundred and Twenty-three, with the right to recover such expenses from the estate of such person or from the person liable for his support.

SECTION 1007. All process of outlawry is hereby abolished in the State of Pennsylvania.

SECTION 1008. All indictments which shall hereafter be brought or exhibited for any crime or misdemeanor, murder and voluntary manslaughter excepted, shall be brought or exhibited within the time and limitation hereafter expressed, and not thereafter, that is to say:

All indictments and prosecutions for treason, arson, sodomy, robbery, burglary, perjury, counterfeiting, forgery, uttering or publishing any banknote, check or draft, knowing same to be counterfeited or forged, shall be brought or exhibited within five years next after the offense shall have been committed, and all indictments and prosecutions for other felonies not named or excepted heretofore in this section, and for all misdemeanors, shall be brought or exhibited within two years next after such felony or misdemeanor shall have been committed: Provided, however, That indictments for crimes committed by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employee or member of any bank, body corporate, public company, municipal or *quasi* municipal corporation, in their capacity as such, may be

commenced and prosecuted at any time within four years from the time the alleged crime shall have been committed, and all indictments for crimes committed by administrators, executors, guardians and trustees as such, may be brought or exhibited at any time within five years from the final decree of the Court adjudicating the final accounts of said fiduciaries; and provided further, That if the person against whom such indictment shall be brought or exhibited shall not have been an inhabitant of this state or usual resident therein within said respective terms for which he shall be subjected and liable to prosecution, as aforesaid, then such indictment may be brought as exhibited against such person at any period within a similar space of time during which he shall be an inhabitant of, or usual resident within, this state.

SECTION 1009. Proceedings against the parent of a bastard child brought under Section 192 of the Penal Code of 1925 may be instituted upon complaint made, under oath or affirmation. All such proceedings must be brought within two years of the birth of the child: Provided, however, That when the reputed father shall have voluntarily contributed to the support of the child, or shall have acknowledged in writing his paternity, then a prosecution therefor may be brought within two years of any such contribution or acknowledgment by the reputed father.

SECTION 1010. The unconstitutionality of any section or sections of this act shall not affect the validity of any other sections of the act or of the act as a whole.

SECTION 1011. This act may be cited as the Criminal Procedure Act of 1925.

SECTION 1012. In this act and in any indictment for any offense provided against in this act, the following terms shall be construed as defined in this section except where a different intent is plainly declared in the provision to be construed, or is plainly apparent from the context thereof:

(1) The terms "offense" and "crime" mean any act or omission punishable either on indictment or information, whether such act be treason, felony or misdemeanor.

(2) The singular number includes the plural and the plural number includes the singular.

(3) The terms "person," "any person," "any one," "the person," "every person," "such person," "other," "another" and the relative pronoun "he" referring to any of the above terms, unless the contrary is expressed or clearly to be implied from the context, includes a natural person, a corporation, partnership, limited partnership and joint stock company, and extends to more persons than one, and to females as well as males.

(4) Terms denoting the masculine gender include the feminine.

(5) The term "sub-division of this Commonwealth" includes a county, city, borough, township, municipality and incorporated district.

(6) The term "act" or "doing of an act" includes omission to act.

(7) The word "property" includes any matter or thing upon or in respect to which an offense may be committed.

(8) The word "indictment" includes information, presentment, complaint and any other formal written accusation as well as indictment.

(9) The word "indictment," unless a contrary intention appears, includes any count thereof.

(10) The words "writing," "written," and any term of like import includes words printed, painted, engraved, lithographed, photographed or otherwise copied, traced or made visible to the eye.

(11) The term "court," unless contrary intention appears, means the court before which the trial is had.

(12) The terms "justice of the peace," "alderman," "magistrate" or "committing magistrate" or any of them, wherever used in this act, shall be taken to include any and all persons having power and authority under the laws of this Commonwealth to take criminal informations, issue warrants and hold defendants to await the action of the Grand Jury.

SECTION 1013. The following acts of assembly and all parts thereof and all other parts of the laws of this Commonwealth relating to criminal proceedings and pleadings in so far as the same are altered and supplied by this act be and the same are hereby repealed. The repeal of the first section of an act shall not repeal the enacting clause thereof:—

Act of March 31, 1860, P. L. 427, entitled "An Act to consolidate, revise and amend the laws of this Commonwealth relating to criminal proceedings and pleadings." The repeal of this Act shall not operate to revive any law or laws by it repealed.

Section 13 of the Act of September 23, 1791, 3 Smith's Laws 37, entitled "A supplement to the Penal Laws of this State."

Act of March 20, 1818, 7 Smith's Laws 86, entitled "A further supplement to an Act, entitled 'An Act to regulate the payment of costs on indictment.'"

Act of November 6, 1856, P. L. (1857) 795, entitled "An Act allowing bills of exception and writs of error in criminal cases."

Section 4 of the Act of January 7, 1867, P. L. 1369 entitled "A supplement to an Act to revise, consolidate and amend the penal laws of this Commonwealth, so as to punish frauds upon the National currency, as well as that of the State, and forging, or uttering forged instruments."

Act of February 15, 1870, P. L. 15, entitled "An Act to allow writs of error in cases of murder and voluntary manslaughter."

Act of February 23, 1870, P. L. 227, entitled "An Act to authorize justices of the peace to take recognizances of bail in certain cases, in Crawford County."

Act of April 28, 1871, P. L. 244, entitled "A supplement to an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty."

Act of April 9, 1873, P. L. 67, entitled "An Act relative to criminal procedure, and to provide for payment of defendant's costs."

Act of April 29, 1874, P. L. 116, entitled "An Act to provide for the imprisonment of persons where sentences shall be commuted by the governor."

Act of May 11, 1874, P. L. 132, entitled "An Act relating to payment of costs in cases of felony."

Act of March 18, 1875, P. L. 30, entitled "An Act to authorize changes of venue in criminal cases."

Act of March 14, 1877, P. L. 3, entitled "An Act to authorize the clerks of the various courts of quarter sessions and oyer and terminer to take recognizances and bail, and approve bonds, in certain cases."

Section 1 of the Act of March 23, 1877, P. L. 26, entitled "An Act defining the limitation in prosecutions for forgery."

Act of May 24, 1878, P. L. 137, entitled "An Act to regulate proceedings under requisitions upon the governor of this Commonwealth for the apprehension of fugitives from justice."

Act of June 12, 1878, P. L. 181, entitled "An Act relating to commitments by the courts of quarter sessions to county work-houses."

Section 6 of the Act of June 12, 1878, P. L. 196, entitled "An Act supplementary to an act entitled 'An Act to consolidate, revise and amend the penal laws of this Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty."

Act of June 4, 1879, P. L. 95, entitled "An Act to amend the second and fifth sections of an Act, entitled 'An Act to regulate proceedings under requisition upon the governor of this Commonwealth for the apprehension of fugitives from justice,' approved May twenty-fourth, Anno Domini one thousand eight hundred and seventy-eight."

Act of June 11, 1885, P. L. 110, entitled "An Act fixing the time for returns in cases of felony by alder-

men, justices of the peace, and committing magistrates and requiring criminal cases to be docketed."

Act of May 6, 1887, P. L. 86, entitled "An Act to authorize the commissioners of the several counties of this Commonwealth to discharge from prison all persons confined in jail without proceedings under the insolvent laws."

Act of May 19, 1887, P. L. 138, entitled "An Act providing for payment of costs in criminal cases by the proper county."

Section 1 of the Act of April 23, 1889, P. L. 48, entitled "An Act fixing the limitation of criminal prosecutions for embezzlement by administrators, executors, guardians and trustees."

Act of May 8, 1889, P. L. 135, entitled "An Act to amend the forty-sixth section of an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty, providing in what county homicide shall be tried."

Act of May 15, 1895, P. L. 71, entitled "An Act to abolish arraignments in courts of oyer and terminer, except where the charge is murder."

Act of June 26, 1895, P. L. 374, entitled "An Act to amend the seventy-fifth section of an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty, providing for the employment of persons sentenced to simple imprisonment in the county jails of the several counties of this Commonwealth."

Act of May 25, 1897, P. L. 89, entitled "An Act authorizing and requiring grand and petit juries to dispose of the costs in criminal prosecutions for larceny, where the value of the goods alleged to be stolen is less than ten dollars, and in the prosecutions for assault or assault and battery where felony is charged, and in which the prosecutor had no reasonable ground for making the charge of felony."

The Act of May 2, 1899, P. L. 173, entitled "An Act to amend section three of an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty, so as to dispense with the endorsing or backing of warrants by aldermen and justices of the peace out of the jurisdiction of the aldermen or justice granting the warrant, and to require aldermen and justices to keep an official seal, and stamp all warrants granted with said seal."

Act of May 2, 1901, P. L. 127, entitled "An Act to provide for the payment by the proper county of costs in criminal and other cases, where recognizances have been or shall be taken and such recognizances shall be forfeited, recovered and paid to the proper authorities."

Act of May 8, 1901, P. L. 143, entitled "An Act providing that where any court of quarter sessions of the peace or court of oyer and terminer in this Commonwealth has heretofore made or entered, or shall hereafter make or enter, any order, sentence, decree or judgment for the payment of any moneys whatsoever, in any matter or thing within its jurisdiction, a copy of said order, sentence, decree or judgment may

be certified to any court of common pleas of the same county, and be entered and indexed therein as a judgment and collected with like force and effect as if the same had been recovered as a judgment in the latter court."

Act of May 11, 1901, P. L. 166, entitled "An Act providing for the commutation of sentences, for good behavior of convicts in prisons, penitentiaries, work-houses and county jails of this State, and regulations governing the same."

Act of March 6, 1901, P. L. 16, entitled "An Act making it unlawful for district attorneys to stand aside jurors in empaneling any jury in the trial of any indictment charging a felony or a misdemeanor in any court of this Commonwealth, and regulating the challenging of jurors by the Commonwealth and the defendant in such cases."

Act of July 9, 1901, P. L. 629, entitled "An Act to amend an Act, entitled 'An Act making it unlawful for district attorneys to stand aside jurors in empanelling any jury in the trial of any indictment charging a felony or a misdemeanor in any court of this Commonwealth, and regulating the challenging of jurors by the Commonwealth and the defendant in such cases,' approved March sixth, nineteen hundred and one; providing for an increased number of challenges in the trial of persons charged with certain misdemeanors."

Act of April 22, 1903, P. L. 245, entitled "An Act relating to new trials in cases of murder."

Act of February 28, 1905, P. L. 25, entitled "An Act amending the seventy-fourth section of an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceed-

ings and pleadings,' approved the thirty-first day of March, eighteen hundred and sixty, by repealing the proviso thereof which prohibits the imposing of sentences to expire between the fifteenth day of November and the fifteenth of February, of any year."

Act of March 10, 1905, P. L. 35, entitled "An Act relating to the institution, prosecution and taxation of costs in criminal cases."

Act of April 14, 1905, P. L. 152, entitled "An Act authorizing the payment of costs by the county in certain criminal proceedings, where a *nolle prosequi* shall be entered, or the verdict of the jury set aside."

Act of April 14, 1905, P. L. 153, entitled "A supplement to an Act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty."

Act of March 22, 1907, P. L. 31, entitled "An Act to provide for the assignment of counsel in murder cases, and for the allowance of expenses and compensation in such cases."

Act of April 15, 1907, P. L. 62, entitled "An Act providing that in certain cases defendants may enter pleas of guilty, and be sentenced forthwith, without a bill of indictment being presented to a grand jury."

Act of May 7, 1907, P. L. 166, entitled "An Act relating to the cost where matters are given in charge to a grand jury for investigation, and providing for the payment of the same in certain cases by the proper county."

Act of June 7, 1907, P. L. 429, entitled "An Act relating to the collection of any sums of money that a defendant, in a prosecution for fornication and bas-

tardy, may be sentenced by the court of quarter sessions to pay to the mother of a bastard child."

Act of March 18, 1909, P. L. 42, entitled "An Act relating to surety of the peace, and defining the procedure in such cases."

Act of April 27, 1909, P. L. 260, entitled "An Act providing for the return of all surety of the peace and desertion cases, and also providing that the court of quarter sessions may hear and decide such cases whenever convenient, and also providing that bail in such cases shall be taken for an appearance forthwith."

Act of June 3, 1911, P. L. 627, entitled "An Act providing for the payment by the proper county, or by the treasurer of a city co-extensive with a county, of the costs of appeal, including printing of paper book, in murder cases, where counsel have been assigned to the defense of the prisoner."

Act of June 19, 1911, P. L. 1055, entitled "An Act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and re-conviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries."

Act of June 19, 1911, P. L. 1059, entitled "An Act extending the powers of judges of courts of Quarter Sessions and of Oyer and Terminer, in relation to releasing prisoners in jails and workhouses on parole."

Act of February 28, 1913, P. L. 2, entitled "An Act providing for the resentencing of convicts who have been or shall be sentenced under a law declared to be unconstitutional."

Act of April 17, 1913, P. L. 79, entitled "An Act to amend Section 1 of the Act of March 30, 1911 (Pamphlet Laws, 28), entitled 'An Act to provide for the payment, by the proper county, of witnesses committed and held in default of bail to appear and testify in behalf of the Commonwealth.'"

Act of May 28, 1913, P. L. 363, entitled "An Act regulating the discharge of prisoners on parole from the penal institutions of the Commonwealth."

Act of June 19, 1913, P. L. 528, entitled "An Act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this Act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this Act."

Act of June 19, 1913, P. L. 532, entitled "A supplement to an Act approved the 19th day of June, 1911, entitled 'An Act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and

their re-arrest and re-conviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries."

Act of July 22, 1913, P. L. 912, entitled "An Act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, by the respective counties from whose courts the said escaping convicts or prisoners have been committed; and providing for the maintenance of such convicts under sentence for escape, *et cetera*."

Act of April 9, 1915, P. L. 76, entitled "An Act to further protect the rights and liberty of the people of this Commonwealth when under arrest upon a bailable criminal charge; making its infraction a misdemeanor, and providing punishment therefor."

Act of April 21, 1915, P. L. 145, entitled "An Act relative to the powers of magistrates in cities of the first class."

Act of May 6, 1915, P. L. 266, entitled "An Act to amend an Act, approved the sixth day of May, one thousand eight hundred and eighty-seven, entitled 'An Act to authorize the commissioners of the several counties of this Commonwealth to discharge from prison all persons confined in jail, without proceeding under the insolvent laws.'"

Act of June 3, 1915, P. L. 788, entitled "An Act to amend the tenth and fourteenth sections of an Act, entitled 'An Act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and

providing for their release on parole, their conviction of crime during parole; and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries,' approved the nineteenth day of June, Anno Domini one thousand nine hundred eleven; so that a convict, sentenced to a penitentiary for a crime committed during his period of parole, shall begin to serve the said sentence after having first served the remainder of the term which such convict would have been compelled to serve but for the commutation authorizing said parole; and so that a convict, violating his or her parole, may be arrested and confined by authority of the Board of Inspectors of the penitentiary from which such convict shall have been released on parole; and investigation and report upon said case made by said board, before the Governor shall issue his mandate for the recommitment of such convict."

Act of May 24, 1917, P. L. 268, entitled "An Act to increase the powers of courts in proceedings for desertion and non-support of wives, children, or aged parents; and in proceedings for failure to comply with orders of court in fornication and bastardy proceedings, or other proceedings for the support of illegitimate children; directing that imprisonment, in such cases, be at hard labor in such institution as the court shall bane; providing for the payment by such institution, or, in certain cases, by the county from which the defendant was committed, of the sum of sixty-five cents per day, to be paid to the person designated by the order of the court; providing for the issuance of attachments, and for the disbursement of moneys collected on forfeiture of bonds, bail-bonds, or recognizances; and providing for the payment by

the county of the expenses incident to carrying out this act."

Sections 2, 4 and 5 of the Act of July 11, 1917, P. L. 773, entitled "An Act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock, whether such child shall have been begotten or shall have been born within or without this Commonwealth; providing punishment therefor, and empowering the court to make an order for support, and to enforce the same. And declaring persons making false statements, in certain cases, guilty of perjury."

Act of May 1, 1919, P. L. 102, entitled "An Act providing for a cash deposit in lieu of bail in cases of arrest, and prescribing the fees of the sheriff in case of forfeiture," in so far as the same relates to bail in criminal cases.

Act of May 27, 1919, P. L. 306, entitled "An Act relating to criminal procedure before aldermen, justices of the peace, and magistrates, in cases of assault and assault and battery, and providing for the assessment of costs in such cases upon the prosecutor, defendant, or county, and the commitment of the prosecutor or defendant in case of default."

Act of June 21, 1919, P. L. 569, entitled "An Act to amend the third section of an Act, entitled 'An Act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction

for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries,' approved the nineteenth day of June, Anno Domini one thousand nine hundred and eleven, to empower the court to appoint assistants to the probation officer."

Act of July 21, 1919, P. L. 1075, entitled "An Act to amend an act, approved the eleventh day of July, one thousand nine hundred and seventeen, entitled 'An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock, whether such child shall have been begotten or shall have been born within or without this Commonwealth; providing punishment therefor, and empowering the court to make an order for support and to enforce the same. And declaring persons making false statements, in certain cases, guilty of perjury.'"

Act of April 7, 1921, P. L. 118, entitled "An Act providing for the depositing of money with magistrates, justices of the peace, and aldermen in lieu of bail or recognizances with surety or sureties in criminal prosecutions, desertion and non-support, and surety of the peace."

Act of May 12, 1921, P. L. 548, entitled "An Act providing for the depositing of money with the clerk of the several courts of quarter sessions and oyer and terminer or other courts of record having jurisdiction in this Commonwealth, in lieu of bail and recognizances with surety or sureties, in criminal or *quasi* criminal prosecutions, desertion or non-support and surety of the peace cases, pending in said courts, and fixing the fees of the said clerk of the courts."

Sections 2, 3 and 4 of the Act of May 19, 1923, P. L. 283, entitled "An Act to assure to persons within the jurisdiction of every county the equal protection of the laws, by providing for their removal from the county and their trial in certain criminal cases by a court of quarter sessions of the peace or oyer and terminer of another county; imposing penalties upon the counties and officers thereof for failure to provide proper protection, and upon individuals for interfering with or obstructing the carrying out of the provisions of this act; and imposing certain duties upon the Superior Court."

Act of June 29, 1923, P. L. 973, entitled "An Act providing for the payment by counties of expenses incurred by the district attorney, and making such expenses a part of the costs of the case where the defendant is convicted."

The Act of June 29, 1923, P. L. 975, entitled "An Act to amend Section 6 of the Act approved the 19th day of June, one thousand nine hundred and eleven (Pamphlet Laws 1055), entitled 'An Act authorizing the release on probation of certain convicts instead of imposing sentences, the amount of probation and parole officers and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and re-conviction for breach of parole, and extendting the powers and duties of boards of prison inspectors of penitentiaries.'"

Section 3 of the Act of June 30, 1923, P. L. 982, entitled "An Act for the repression of prostitution and assignation; making it unlawful to solicit, aid,

or permit prostitution, or to use or permit the use of any place for the purpose of prostitution or assignation; making certain evidence admissible in proceedings under this act; authorizing the commitment of prostitutes to private institutions; providing for their parole; and prescribing penalties."

Act of July 11, 1923, P. L. 1044, entitled "An Act to authorize the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners."

The Acts of Assembly and parts thereof hereinbefore repealed shall be and the same are hereby continued in force and effect, anything to the contrary notwithstanding, as to all crimes and offenses committed before this Act: Provided, That all suits, indictments and prosecutions for such crimes and offenses shall be brought within a time limited or prescribed by this Act and nothing in this Act shall alter or affect the validity of any prosecution heretofore commenced or any indictment heretofore found, or alter the procedure therein or the punishment therefor.

Nothing herein contained shall repeal, alter or affect any act or acts empowering courts to sentence to the Huntingdon Reformatory as now provided by law, or any other act or acts relating to said institution.

Nothing in this Act contained shall alter or repeal any of the laws of this Commonwealth relating to the trial, conviction, detention, sentence and punishment of juvenile delinquents.

Nothing in this Act contained shall alter or repeal the Act of June 12, 1913, P. L. 711, entitled "An Act establishing a court for the County of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," or any of its supplements or amendments, or alter the jurisdiction of said court.

Nothing in this Act contained shall be held to repeal or alter any local and special acts relating to any counties of the State empowering justices of the peace to accept pleas of guilty or to try offenses by a jury where such acts so provide.

